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**FOR THE
CONTINUATION OF THIS
WATER RIGHT FILE**

No. 63-32089

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Attorneys for the City of Eagle

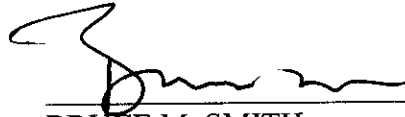
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS FOR)	OBJECTION TO PROTESTANT
PERMIT NOS. 63-32089 AND 63-32090 IN THE)	HOOT NANNEY FARMS/MIKE
NAME OF THE CITY OF EAGLE)	DIXON FIRST SUPPLEMENTAL
)	ANSWERS TO THE CITY OF
)	EAGLE'S FIRST SET OF
)	INTERROGATORIES
)	
_____)	

COMES NOW Applicant, the City of Eagle, by and through its attorney of record, Bruce M. Smith of the firm Moore Smith Buxton & Turcke, Chtd., and objects to the protestant's attempt to file "supplemental" responses to discovery. The protestant never filed any responses to discovery, and there is no basis for filing supplemental responses. Protestant Hoot Nanney Farms/Mike Dixon should not be allowed to abuse the process set forth in the Department's order. Allowing any testimony or opinion of Steve Hannula at this stage of the proceeding constitutes significant prejudice to the applicant.

RESPECTFULLY SUBMITTED this 4 day of December, 2006.

MOORE SMITH BUXTON & TURCKE,
CHARTERED

A handwritten signature in black ink, appearing to read "Bruce M. Smith", written over a horizontal line.

BRUCE M. SMITH
Attorney for the City of Eagle

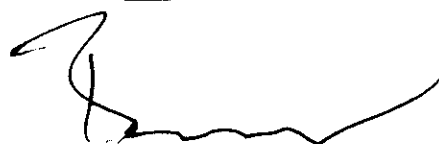
CERTIFICATE OF SERVICE

I hereby certify that on this 4 day of December, 2006, a true and correct copy of the foregoing document was served upon the following by the method indicated below:

TIM CHENEY PO BOX 190027 BOISE ID 83719	DEAN & JAN COMBE 6440 W BEACON LIGHT EAGLE ID 83616	HOOT NANNEY FARMS, INC., MIKE DIXON RT. 1, 2650 WING ROAD STAR, ID 83669
CITY OF STAR c/o ROD LINJA 131 SW 5 TH AVE STE A MERIDIAN ID 83642	BILL FLACK 4035 HARTLEY ROAD EAGLE ID 83616	BOB & ELSIE HANSON 4151 HARTLEY ROAD EAGLE ID 83616
MICHAEL & NANCY HEATH 401 N. PALMER LANE EAGLE ID 83616	CHARLES HOWARTH C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773	CORRIN & TERRY HUTTON 10820 NEW HOPE ROAD STAR ID 83669
RALPH & BARBARA WILDER 7320 W STATE STREET EAGLE ID 83616	MICHAEL McCOLLUM 1290 BUTTERFIELD SAN ANSELMO CA 94960	CHARLES MEISSNER JR C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773
LEEROY & BILLIE MELLIES 6860 W STATE STREET EAGLE ID 83616	JOSEPH & LYNN MOYLE MICHAEL MOYLE C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773	EUGENE MULLER C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773
DANA & VIKI PURDY C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773	SCOTT AND NANCY REESER 499 N LINDER ROAD EAGLE ID 83616	SAM & KARI ROSTI 1460 N. POLLARD LANE STAR ID 83669
BUD ROUNDTREE LINDA BALLARD 468 N. LONGHORN AVENUE EAGLE, ID 83616	RONALD SCHREINER 2153 N POLLARD LANE STAR ID 83669	AL SHOUSHARIAN 1119 N. EAGLE ROAD EAGLE, ID 83616

JERRY & MARY TAYLOR 3410 HARTLEY EAGLE ID 83616	UNITED WATER ID INC c/o JOHN M. MARSHALL GIVENS PURSELY LLP 601 W. BANNOCK STREET BOISE ID 83702	IDWR - WESTERN REGION ATTN JOHN WESTRA 2735 AIRPORT WAY BOISE ID 83705-5082
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☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE



BRUCE M. SMITH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

*Contained the
11/30/06 Order
Denying Motion in
Limine...*

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**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS TO)	ORDER DENYING MOTION IN
APPROPRIATE WATER NOS. 63-32089 AND)	LIMINE, NOTICE OF STAFF
63-32090 IN THE NAME OF THE CITY)	MEMORANDUM, AND
OF EAGLE)	AMENDED NOTICE
_____)	OF HEARING

On November 13, 2006, Charles L. Honsinger and Daniel V. Steenson of Ringert Clark Chartered, attorneys at law, filed a *Notice of Appearance* and a *Motion to Continue Hearing* on behalf of Joseph, Lynn, and Michael Moyle; Eugene Muller; Dana and Viki Purdy; Charles W. Meissner, Jr.; and Charles Howarth ("protestants"). On November 21, 2006, the hearing officer issued an *Order Denying Motion for Continuance*.

On November 22, 2006, Ringert Clark filed a *Motion in Limine*, seeking to limit the admission of pump test evidence by the City of Eagle. The protestants argue that they were not notified of the pump test as required by a March 10, 2006 order issued by the hearing officer. In the November 21, 2006 *Order Denying Motion for Continuance*, the hearing officer addressed this argument as follows:

..., even assuming Eagle did not arrange a time for the pump test with the protestants as required by the hearing officer's March 10, 2006 order, the protestants have known that the City of Eagle completed its pump test since receiving the July 11, 2006 letter.

The hearing officer also notified the protestants of the completion of the pump test in his August 16, 2006 letter and alluded to the completion of the test in his September 6, 2006 order. Failure of the city to fully coordinate the pump tests with the protestants should have been raised as an issue at the time the protestants were notified that the pump test had been completed. Instead, the protestants waited until less than a month before the scheduled hearing to complain. Despite Eagle's failure, the protestants' inaction after learning of the completion of the pump test for approximately four months leads the hearing officer to surmise that the protestants were disinterested in participating actively in the pump test. Consequently, failure to coordinate the pump test is not grounds for postponing the hearing at this late date.

The same reasoning applies to a motion in limine. The protestants had an opportunity to complain about their inability to participate in the test long in advance of the hearing. The protestants did not avail themselves of the opportunity and should not be allowed to raise the issue just prior to the hearing as a means of preventing consideration of technical information.

The *Motion in Limine* should be denied.

On November 29, 2006, Sean Vincent and Shane Bendixsen submitted a Department staff memorandum to the hearing officer that evaluated the pump test conducted for the City of Eagle test wells. A copy of the staff memorandum is enclosed with this document. The staff memorandum raises several issues about the procedures of the pump test and the analysis of the pump test data. The questions raised by Department staff could seriously affect the credibility of the pump test evidence presented at the hearing.

The hearing officer will consider the Department staff memorandum as part of the evidence in this contested case. Because the analysis of the pump test submitted to Department staff was incomplete, the hearing officer will forward any additional evidence about the pump test received into evidence at the hearing to Department staff for further review to determine possible deficiencies. After the staff review, the hearing officer will distribute the results of the Department's post hearing review to the parties who will have an opportunity to submit additional comments and possibly request supplemental hearings about the document. This process **will delay** the ultimate consideration of the applications.

In addition, the hearing officer expects presentation of evidence about the effect on surface water right of ground water pumping from the point of diversion proposed by the applications. In particular, evidence about the influence of pumping on Boise River water rights with points of diversion above a point about one mile downstream from Star Bridge should be analyzed.

On November 27, 2006, Charles L. Honsinger, Daniel V. Steenson and Jon C. Gould of Ringert Clark Chartered, attorneys at law, filed a *Notice of Appearance* on behalf of protestant Mike Dixon/Hoot Nanney Farms, Inc.

On November 28, 2006, Ringert Clark filed a motion to postpone the commencement of the hearing until December 7, 2006. Ringert Clark is now representing a substantial number of the protestants who were appearing *pro se*. The hearing will proceed more efficiently with the help of counsel for the protestants and with the withdrawal of Star Sewer & Water District, fewer protestants participating. The hearing process will also proceed more efficiently if the same attorney from Ringert Clark appears consistently throughout the hearing. The hearing officer should grant the motion to postpone the commencement of the hearing until December 7, 2006.

AMENDED NOTICE OF HEARING

PLEASE TAKE NOTICE that a formal hearing will commence on December 7, 2006, will be held on December 7 through 8, 2006 and resumed on December 11 and 12, 2006. The hearing officer will convene the hearing at 9:00 am each day unless otherwise notified. The hearing will be held in Boise, Idaho at the offices of the Idaho Department of Water Resources ("Department"), 322 East Front Street, Sixth Floor (in the Water Center building on the corner of Broadway Avenue and Front Street). Parking is available in the parking facility to the west of the Water Center building. There is a charge for parking in this location.

If you plan to offer exhibits for the record at the hearing, note that Rule 606 of the Department's Rules of Procedure requires that a copy be provided to each party and to the presiding officer.

The presiding officer at the hearing will be Gary Spackman.

The hearing will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the department. IDAPA 37.01.01. A copy of the rules may be obtained from the Department upon request.

The hearing will be conducted in accordance with the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department within 10 days prior to the hearing. Inquires about scheduling, hearing facilities, etc., should be directed to Deborah Gibson, Administrative Assistant, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4942, fax: (208) 287-6700.

ORDER DENYING MOTION IN LIMINE

IT IS HEREBY ORDERED that the *Motion in Limine* filed by Ringert Clark is **Denied**.

NOTICE OF STAFF MEMORANDUM

The hearing officer will consider the Department staff memorandum as part of the evidence in this contested case. Because the analysis of the pump test submitted to Department staff was incomplete, the hearing officer will forward any additional evidence about the pump test received into evidence at the hearing to Department staff for further review to determine possible deficiencies. After the staff review the hearing officer will distribute the results of the Department's post hearing review to the parties who will have an opportunity to submit additional comments and possibly request supplemental hearings about the Department's post hearing review. Department staff that prepared the memorandum will be available to be called as witnesses at the hearing

Dated this 30th day of November, 2006.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 2006, a true and correct copy of the document described below was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: **ORDER DENYING MOTION IN LIMINE, NOTICE OF STAFF MEMORANDUM, AND AMENDED NOTICE OF HEARING**

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SAN ANSELMO CA 94960

RONALD SCHREINER
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BOB & ELSIE HANSON
4151 HARTLEY RD
EAGLE ID 83616

DEAN & JAN COMBE
6440 W BEACON LIGHT
EAGLE ID 83616

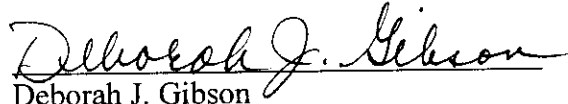
WESTERN REGION
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Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

MEMO

State of Idaho

Department of Water Resources

322 E Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700

Date: November 29, 2006

To: Gary Spackman

From: Sean Vincent^{SV} and Shane Bendixsen^{SB}

cc: Rob Whitney
Rick Raymondi

Subject: Review of City of Eagle, Idaho 7-Day Aquifer Test Report in Support of Applications for Water Right Appropriation 63-32089 and 63-32090

Per your request, this memo summarizes our review of the subject report prepared by Holladay Engineering. We have not been informed of the specific objectives of the aquifer test, which complicates our review, but our general conclusion is that the scope of the data collection effort was adequate, but the aquifer test analysis is incomplete. For example, antecedent water level and barometric pressure data were collected, but there is not discussion of the trends in these data and a correction of the test data for external influences (i.e., those not related to pumping) was not performed (see, for example, Kruseman and de Ridder, 1990). Similarly, estimates of transmissivity and storativity are provided, but there is no assessment of the significance of these numbers in terms of potential impact to the water resource. Water levels were measured in eight wells during the test, but only the data from four of the wells was analyzed and there is no discussion of the drawdown (or lack of drawdown) and water level recovery in the other four wells.

Specific conclusions are as follows:

1. It is unclear what questions the aquifer test is intended to answer. The purpose and objectives of the test should be clearly identified at the beginning of the report and the results should be interpreted in the context of the objectives. If assessing well interference effects is an objective, then calculations of drawdown should be made using the hydraulic properties derived from analysis of the aquifer test data.
2. As recommended when the decision was made to change the pumping well from Monitoring Well #1 (as originally proposed in the test plan) to Monitoring Well #2

(based on indications that it has a higher yield), a step drawdown test should have been performed in order to determine the optimum pumping rate. The report indicates that the pumping rate during the test was 1,580 gal/min and the maximum drawdown in the pumping well was on the order of 30 feet. A higher pumping rate than was originally proposed for the lower yielding Monitoring Well #1 could and should have been used, as there was several hundred feet of available drawdown in Monitoring Well #2 and the combined total diversion rate on the two water right applications is 4,000 gal/min. Since the test has already been run, there at least should be a discussion in the report of how the use of a pumping rate that is significantly lower than the well yield and the combined diversion amount affects the test results.

3. A discussion of the site hydrogeology should be included to support interpretation of the test data and the hydrogeologic conceptual model should be revised based on the results.
4. In accordance with standard practice, the impacts on the test data of antecedent water level trends, barometric pressure fluctuations, and nearby pumping wells should be discussed and used to correct and/or interpret the test data.
5. A summary table should be prepared which identifies each of the monitoring wells, the distance to the pumping well, the completion interval, and the total drawdown at the end of test.
6. Differences in well construction should be discussed and used to interpret the test data since the differences strongly affected the timing and magnitude of the water level response. For example, interpretation of the observed response to pumping in Monitoring Well #9 requires that the open interval (10 to 15 feet below ground surface) be compared to that of the pumping well (345 to 425 feet below ground surface).
7. Figure 1 should be modified to identify the drawdown at each well at the end of the test. The revised figure would be of interest to the protestants and greatly facilitate interpretation of test results.
8. A plot of the pumping rate versus time should be prepared and discussed.
9. The quantitative data analysis is limited and relies exclusively on the use of the Theis (1935) log-log curve matching procedure for determination of aquifer properties. Contrary to standard practice, no attempt was made to apply the semilog Cooper-Jacob (1946) method of analysis, or to perform a drawdown versus distance analysis, or to assess aquifer boundary conditions (which generally is performed using semi-logarithmic plots of drawdown versus time). The latter is unfortunate given the importance of aquifer boundaries for the assessment of long-term impacts of pumping on aquifer water levels. In accordance with standard practice (see, for example, Kruseman and de Ridder, 1990 and Driscoll, 1986), semilogarithmic plots of drawdown versus time and drawdown versus distance should be prepared, interpreted, and analyzed for determination of aquifer properties and boundary conditions. The boundary analysis should include an assessment of wellbore storage effects (Driscoll, 1986).

10. The aquifer property estimates are made suspect by the fact that the water level recovery data were incorrectly analyzed using the Theis log-log curve matching technique. This is unfortunate because the recovery data analysis is more straightforward and reliable than the pumping data analysis when there are pumping rate variations during the test (Hargis, 1979). In this case, analysis of the recovery data clearly is preferable because there were several pump outages (i.e., pumping rate variations) during the test. In accordance with standard practice, the recovery data should be plotted as residual drawdown versus the ratio t/t' and analyzed with the Theis residual drawdown method (1935). Though theoretically appropriate, the calculated drawdown method of Brown (1935) is less commonly used and is not recommended.
11. Discrepancies of more than one order of magnitude in the estimates of storativity should be interpreted and the analyst should indicate which estimate(s) is/are considered most representative for assessing long-term pumping impacts.
12. The fact that the water level recovered to an elevation above the initial static level should be discussed and interpreted with reference to the test procedures and the hydrogeologic conceptual model.
13. The CD that accompanies the report includes the test data in Adobe pdf format. These data would be more readily usable if they were provided in a Microsoft Excel spreadsheet(s).

References

- Brown, Russell, H., 1953, *Selected Procedures for Analyzing Aquifer Test Data*, Journal American Water Works Association, v. 45, no. 8, pp. 844-866.
- Cooper, H.H., and C.E. Jacob, 1946, *A Generalized Graphical Method for Evaluating Formation Constants and Summarizing Well Field History*, Trans. Amer. Geophys. Union, v. 27, pp. 526-534.
- Driscoll, F.G., 1986, *Groundwater and Wells*, Johnson Division, 1089 pp.
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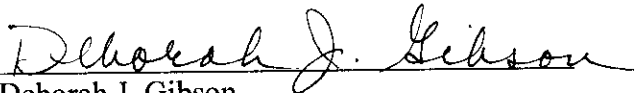
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 2006, a true and correct copy of the foregoing document(s) described below were served by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: November 22, 2006, letter acknowledging the withdrawal of the protest filed by Star Sewer and Water District regarding the City of Eagle's Applications nos. 63-32089 & 63-32090.

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950 W BANNOCK STE 520
BOISE ID 83702

CHARLES L HONSINGER
DANIEL V STEENSON
RINGERT CLARK CHARTERED
PO BOX 2773
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Deborah J. Gibson
Administrative Assistant

MEMO

State of Idaho

Department of Water Resources

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References

- Brown, Russell, H., 1953, *Selected Procedures for Analyzing Aquifer Test Data*, Journal American Water Works Association, v. 45, no. 8, pp. 844-866.
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
222 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

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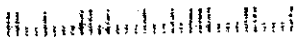
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DEPARTMENT OF WATER RESOURCES
222 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

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PRESORTED
FIRST CLASS



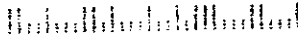
UNITED STATES POSTAGE
MILNE BOWES
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NOV 24 2006
\$ 00.29³
MAILED FROM ZIP CODE 83702

MUNP
TIM CHENEY
PO BOX 190027
BOISE ID 83719

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RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
RETURN TO SENDER

JAGGSM5 B3



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
222 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
MILNE BOWES
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\$ 00.29³
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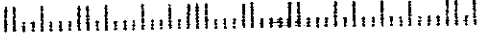
BRUCE M SMITH
MOORE SMITH BUXTON TURKE
225 N 9TH STE 420
BOISE ID 83702

NOV 29 2006

DEPARTMENT OF
WATER RESOURCES

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RETURN TO SENDER
MOORE SMITH BUXTON & TURCKE
950 W BANNOCK ST STE 520
BOISE ID 83702-6118
RETURN TO SENDER

83720-0098 JAGGSM5 B



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
222 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

PRESORTED
FIRST CLASS



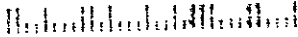
UNITED STATES POSTAGE
MILNE BOWES
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NOV 24 2006
\$ 00.29³
MAILED FROM ZIP CODE 83702

1155 S 346
CHARLES L HONSINGER
DANIEL V STEENSON
RINGERT CLARK CHARTERED
PO BOX 455
BOISE ID 83701-455

NIXIE 2004 1 21 11/28/06

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
RETURN TO SENDER

JAGGSM5 B3



CHARLES L. HONSINGER (ISB #5240)
DANIEL V. STEENSON (ISB #4332)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 455
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

NOV 28 2006
IDAHO DEPARTMENT OF
WATER RESOURCES

Attorneys for Protestants Joseph, Lynn and Michael Moyle,
Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr.,
Charles Howarth and Mike Dixon/Hoot Nanney Farms, Inc.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO,)
APPROPRIATE WATER RIGHT NOS. 63-) MOTION TO POSTPONE
32089 AND 63-32090 IN THE NAME OF) COMMENCEMENT OF HEARING BY
THE CITY OF EAGLE) ONE DAY
_____))

COMES NOW, Protestants Joseph, Lynn and Michael Moyle, Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr., Charles Howarth, and Mike Dixon/Hoot Nanney Farms, Inc. by and through their counsel of record Ringert Clark, Chartered, and, pursuant to IDAPA 37.01.01.260 and IDAPA 37.01.01.561 hereby move the hearing officer for an Order postponing by one day the commencement of the hearing currently scheduled in this matter for December 6 - 8 and December 11 -12, 2006. This Motion is supported by the Affidavit of Charles L. Honsinger in Support of Motion to Continue already on file, the Affidavit of Charles L. Honsinger in Support of Motion to Postpone Commencement of Hearing and by the record herein. The grounds for this motion are as follows:

1. Neither Mr. Steenson nor Mr. Honsinger will be able to attend all days of the hearing

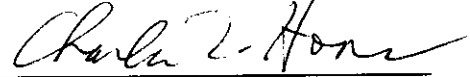
if it is commenced upon December 6, 2006.

2. Mr. Honsinger will be able to attend all days of the hearing if it is commenced upon December 7, 2006.
3. No party will be prejudiced by a one day delay in the commencement of the hearing.

For the above referenced grounds, commencement of the hearing in the above-captioned matter should be postponed to December 7, 2006.

Dated this 28th day of November, 2006

RINGERT CLARK, CHARTERED



By: Charles L. Honsinger

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of November, 2006, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

City of Star
c/o Rod Linja
131 SW 5th Ave., Ste. A
Meridian, Idaho 83642

Michael Heath
Nancy Heath
401 N. Palmer Lane
Eagle, Idaho 83616

Tony & Brenda O'Neil
1910 N. Mountain Vista Lane
Star, Idaho 83669

Tim Cheney
P.O. Box 190027
Boise, Idaho 83719

Scott & Nancy Reeser
Leeroy & Billie Mellies
6860 W. State Street
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Jerry & Mary Taylor
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Bill Flack
4035 Hartley Road
Eagle, Idaho 83616

Ronald Schreiner
468 N. Longhorn Ave.
2143 N. Pollard Lane
Star, Idaho 83669

Western Region
Attn: John Westra
2735 Airport Way
Boise, Idaho 83705-5082

John M. Marshall
Givens Pursley
P.O. Box 2720
Boise, Idaho 83701

Ralph & Barbara Wilder
7320 W. State Street
Eagle, Idaho 83616

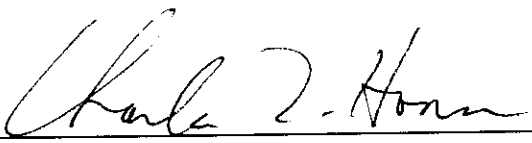
Dean & Jan Combe
6440 W. Beacon Light
Eagle, Idaho 83616

Norma Mares
23966 Blessinger Road
Star, Idaho 83669-6016

Bruce Smith
Moore Smith Buxton & Turke
225 N. 9th Street, Ste.420
Boise, Idaho 83702

Bud Roundtree
Linda Ballard
Eagle, Idaho 83616

Al Shoushtarian
1119 N. Eagle Road
Eagle, Idaho 83616



Charles L. Honsinger

CHARLES L. HONSINGER (ISB #5240)
DANIEL V. STEENSON (ISB #4332)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 455
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

RECEIVED

NOV 28 2003

DEPARTMENT OF
WATER RESOURCES

Attorneys for Protestants Joseph, Lynn and Michael Moyle,
Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr.,
and Charles Howarth

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO,)
APPROPRIATE WATER RIGHT NOS. 63-)
32089 AND 63-32090 IN THE NAME OF)
THE CITY OF EAGLE)
AFFIDAVIT OF CHARLES L.
HONSINGER IN SUPPORT OF MOTION
TO POSTPONE COMMENCEMENT OF
HEARING BY ONE DAY

_____)
STATE OF IDAHO)
) ss
COUNTY OF ADA)

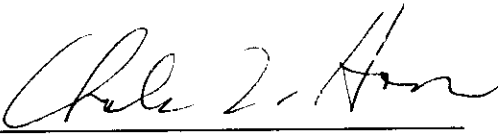
CHARLES L. HONSINGER, being first duly sworn upon his oath, deposes and says that:

1. I am the attorney for Protestants Joseph, Lynn and Michael Moyle, Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr., and Charles Howarth in the above- captioned matter
2. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
3. I discussed the possibility of postponing commencement of the hearing in this matter by one day with both Bruce Smith, counsel for the City of Eagle, and John Marshall, counsel for United Water Idaho. Mr. Marshall readily agreed to such a postponement, but Mr. Smith

expressed some concerns over whether the hearing would be completed by December 12, 2006.

4. I will be able to attend the entire hearing if it is to commence on December 8, 2006, and anticipate, based upon my review of the records, that such hearing can be completed on or before December 12, 2006.

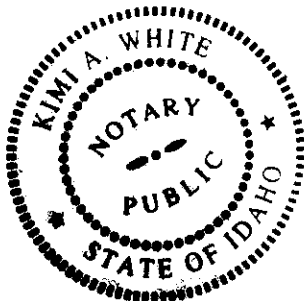
Further your affiant sayeth naught.



Charles L. Honsinger

STATE OF IDAHO)
)ss.
County of ADA)

On this 28th day of November, 2006, before me, the undersigned, a notary public in and for said state, personally appeared Charles L. Honsinger, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.




Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 04/01/10

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of November, 2006, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

City of Star
c/o Rod Linja
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Bud Roundtree
Linda Ballard


Ronald Schreiner
468 N. Longhorn Ave.
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Western Region
Attn: John Westra
2735 Airport Way
Boise, Idaho 83705-5082

John M. Marshall
Givens Pursley
P.O. Box 2720
Boise, Idaho 83701

Eagle, Idaho 83616

Al Shoushtarian
1119 N. Eagle Road
Eagle, Idaho 83616

A handwritten signature in cursive script, appearing to read "Charles L. Honsinger", written in black ink.

Charles L. Honsinger



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

November 28, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

BRUCE M SMITH
MOORE SMITH BUXTON & TURCKE
950 W BANNOCK ST STE 520
BOISE ID 83702-6118

VIA FACSIMILE

Re: In the matter of the protested applications for permits to appropriate water,
nos. 63-32089 and 63-32090 in the name of the City of Eagle

Dear Mr. Smith:

Enclosed is a copy of the Order Denying Motion for Continuance issued November 21, 2006. Upon receipt of returned mail that reflected your previous address, I realized I had used an older certificate during preparation of the Order. With this letter I am providing you a faxed copy of the Order, and have mailed a copy to you at the above address. Therefore, I am enclosing a second Certificate of Service reflecting service of the Order to you, and with a copy of this letter providing the certificate to the parties in this matter for their information.

I apologize for this inconvenience.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

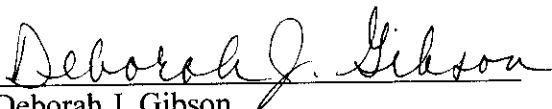
~~Cc: Service List~~

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of November, a true and correct copy of the document described below was served by facsimile and by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order Denying Motion for Continuance

BRUCE M SMITH
MOORE SMITH BUXTON TURKE
950 W BANNOCK ST STE 520
BOISE ID 83702-6118
Fax: 331-1202


Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

IDAHO DEPARTMENT OF WATER RESOURCES

FAX

To:	Bruce M. Smith	From:	Deborah J. Gibson (208) 287-4942
Fax:	331-1202	Date:	November 28, 2006
Phone:		Pages:	9
Re:	Order Denying Motion for Continuance	CC:	

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

See attached.

Please contact me at the above number if you have any problems with the transmission of this fax, or if you have any questions.

CHARLES L. HONSINGER (ISB #5240)
DANIEL V. STEENSON (ISB #4332)
JON C. GOULD (ISB #6709)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 455
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

RECEIVED
NOV 27 2006
IDAHO DEPARTMENT OF
WATER RESOURCES

Attorneys for Protestants Joseph, Lynn and Michael Moyle,
Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr.,
Charles Howarth, and Mike Dixon/Hoot Nanney Farms, Inc.

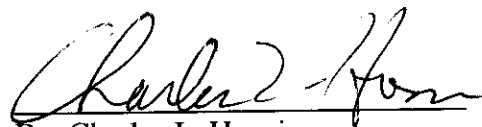
BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO,)
APPROPRIATE WATER RIGHT NOS. 63-) NOTICE OF APPEARANCE
32089 AND 63-32090 IN THE NAME OF)
THE CITY OF EAGLE)
_____))

COMES NOW, Charles L. Honsinger, Daniel V. Steenson and Jon C. Gould of the firm of
Ringert Clark, Chartered, and hereby make their appearance as counsel of record for Protestant Mike
Dixon/Hoot Nanney Farms, Inc. in the above entitled matter.

Dated this 27th day of November, 2006

RINGERT CLARK, CHARTERED


By: Charles L. Honsinger

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of November, 2006, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

City of Star
c/o Rod Linja
131 SW 5th Ave., Ste. A
Meridian, Idaho 83642

Michael Heath
Nancy Heath
401 N. Palmer Lane
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Star, Idaho 83669-6016

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Bruce Smith
Moore Smith Buxton & Turke
225 N. 9th Street, Ste.420
Boise, Idaho 83702

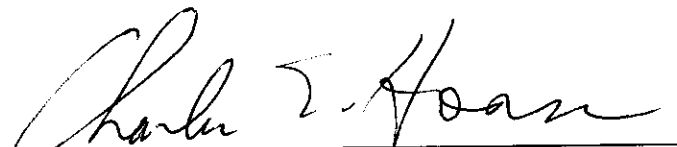
Bill Flack
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Ronald Schreiner
2143 N. Pollard Lane
Star, Idaho 83669

John M. Marshall
Givens Pursley
P.O. Box 2720
Boise, Idaho 83701

Al Shoushtarian
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Bud Roundtree
Linda Ballard
468 N. Longhorn Ave.
Eagle, Idaho 83616



Charles L. Honsinger



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

November 22, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

STAR SEWER & WATER DISTRICT
C/O JERRY KISER
STOPPELLO & KISER
620 W HAYS ST
BOISE ID 83702

Withdrawal of Protest

Re: Application to Permit No. 63-32089 and 63-32090, in the name of the City of Eagle

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced applications.

There are remaining protests against this application which need to be resolved before the application can be considered for approval.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Deborah Gibson
Administrative Assistant
Water Allocation Bureau

cc: Service List

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of November, 2006, a true and correct copy of the foregoing document(s) described below were served by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: November 22, 2006, letter acknowledging the withdrawal of the protest filed by Star Sewer and Water District regarding the City of Eagle's Applications nos. 63-32089 & 63-32090.

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

RONALD SCHREINER
2153 N POLLARD LN
STAR ID 83669

BRUCE M SMITH
MOORE SMITH BUXTON TURKE
950 W BANNOCK STE 520
BOISE ID 83702

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616

CITY OF STAR
C/O ROD LINJA
131 SW 5TH AVE STE A
MERIDIAN ID 83642

JOHN M MARSHALL
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701-2720

TIM CHENEY
PO BOX 190027
BOISE ID 83719

SCOTT & NANCY REESER
499 N LINDER RD
EAGLE ID 83616

CHARLES L HONSINGER
DANIEL V STEENSON
RINGERT CLARK
CHARTERED
PO BOX 455
BOISE ID 83701-2773

JERRY & MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616

LEEROY & BILLIE MELLIES
6860 W STATE ST
EAGLE ID 83616

AL SHOUSHARIAN
1119 N EAGLE RD
EAGLE, ID 83616

CORRIN & TERRY HUTTON
10820 NEW HOPE RD
STAR ID 83669

RALPH & BARBARA WILDER
7320 W STATE ST
EAGLE ID 83616

WESTERN REGION
ATTN JOHN WESTRA
2735 AIRPORT WAY
BOISE ID 83705-5082

BOB & ELSIE HANSON
4151 HARTLEY RD
EAGLE ID 83616

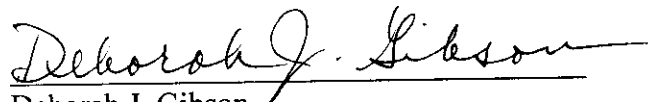
DEAN & JAN COMBE
6440 W BEACON LIGHT
EAGLE ID 83616

SAM & KARI ROSTI
1460 N POLLARD LN
STAR ID 83669

NORMA MARES
4166 W PATEL DR
MERIDIAN ID 83646-9065

BILL FLACK
4035 HARTLEY RD
EAGLE ID 83616

BUD ROUNDTREE
LINDA BALLARD
468 N LONGHORN AVE
EAGLE ID 83616


Deborah J. Gibson
Administrative Assistant

NOV 11 2006

CHARLES L. HONSINGER (ISB #5240)
DANIEL V. STEENSON (ISB #4332)
JON C. GOULD (ISB #6709)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 455
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Protestants Joseph, Lynn and Michael Moyle,
Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr.,
and Charles Howarth

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO,)
APPROPRIATE WATER RIGHT NOS. 63-) MOTION IN LIMINE
32089 AND 63-32090 IN THE NAME OF)
THE CITY OF EAGLE)
_____)

COMES NOW, Protestants Joseph, Lynn and Michael Moyle, Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr., and Charles Howarth (hereafter "Protestants") by and through their counsel of record Charles L. Honsinger of the firm of Ringert Clark Chartered, and, pursuant to IDAPA 37.01.01.260 hereby submit this *Motion in Limine*. Through this *Motion* the Protestants seek to exclude the introduction of data and results collected from the seven-day pump test conducted by the City of Eagle in May and June, 2006. The basis for this *Motion* is that the pump test data is incomplete and selective in nature because the Protestants were not provided an opportunity to collect data from their wells while the pump test was conducted. The City of Eagle failed to arrange a time to conduct the pump test with Protestants as order to do. This *Motion* is supported by the Affidavits of Charles W. Meissner, Eugene Muller, and Charles Howarth and by the record on file.

ORIGINAL

ARGUMENT

The hearing officer should exclude the introduction of the pump test data and results from the December 6, 2006 hearing because the Protestants were not informed of the test until after the test was completed. As a result, the collected data is incomplete and selective in nature.

One critical issue behind the protests is whether ground water withdrawals under proposed water rights 63-32089 and 63-32090 will impact water levels, or the availability of water, in the Protestants' wells. The City of Eagle was to conduct a seven-day pump test with a seven-day recovery to determine conditions of the Lower Treasure Valley Aquifer system and demonstrate the potential impact that pumping in accordance with the proposed water rights may have on surrounding wells.

On March 10, 2006, the Department of Water Resources ("Department") hearing officer Gary Spackman issued *Order Continuing Hearing and Canceling Prehearing Deadlines*. In that Order the City of Eagle was required to "arrange a time for the anticipated pump tests with the other parties." The City of Eagle failed to comply with the Order and no time was arranged. *Affidavit of Charles W. Meissner; Affidavit of Charles Howarth; Affidavit of Eugene Muller*.

On July 12, 2006, the attorney for the City of Eagle informed the Department that the pump test was complete. Protestants received notification from the City of Eagle of the pump test a month after it was completed. Therefore, the Protestants, through no fault of their own, were denied the opportunity to observe the water levels in their wells and gather data simultaneous with the pumping conducted by the City of Eagle. The pump test provided the Protestants with their only opportunity to collect this data. As a result, the existing pump test data is incomplete and selective in nature because the pump test data contains no data from the Protestants' neighboring wells. The City of

Eagle should not be allowed to benefit from its failure to comply with an order by introducing data from the wells it chose to monitor while at the same time Protestants were given no opportunity to collect data from their own wells to determine the significance of the impact on those wells.

To prevent prejudice to the Protestants, the pump test data collected in May and June, 2006 should be excluded from the upcoming hearing.

Dated this 22nd day of November, 2006

RINGERT CLARK, CHARTERED


By: Jon C. Gould

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of November, 2006, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

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Bruce Smith
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Boise, Idaho 83702

Bill Flack
4035 Hartley Road
Eagle, Idaho 83616

Julie K. Fisher
5700 E. Franklin Road, Ste. 200
Nampa, Idaho 83687

Ronald Schreiner
2143 N. Pollard Lane
Star, Idaho 83669

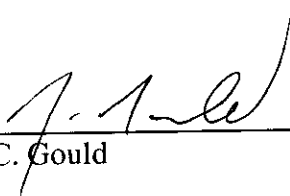
Jerry A. Kiser
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John M. Marshall
Givens Pursley
P.O. Box 2720
Boise, Idaho 83701

Bud Roundtree
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468 N. Longhorn Ave.
Eagle, Idaho 83616

Western Region
Attn: John Westra
2735 Airport Way
Boise, Idaho 83705-5082

Al Shoushtarian
1119 N. Eagle Road
Eagle, Idaho 83616



Jon C. Gould

IDAHO DEPARTMENT OF WATER RESOURCES

FAX

To: Chris Duncan
Holladay Engineering

From: Deborah J. Gibson
(208) 287-4942

Fax: 642-2159

Date: November 21, 2006

Phone:

Pages: 10

Re: City of Eagle Protested Applications for CC:
Permits, nos. 63-32089 & 63-32090

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

As you requested this morning by phone, I am providing three documents that will clarify Bud Roundtree and Linda Ballard's status as intervenors in the referenced matter. (1) Notice of Protest/Intervention, and (2) the letters in response to their intervention. I did not find where Bruce Smith objected to their involvement in this matter.

However, I am unable to provide you with any information regarding Al Shoushtarian's status of involvement. He was present for the Prehearing Conference, but I found no documentation of his appearance or status. It appears that the department has added his name to the service list as a courtesy.

Please contact me at the above number if you have any problems with the transmission of this fax, or if you have any questions.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO)
APPROPRIATE WATER NOS. 63-32089 AND)
63-32090 IN THE NAME OF THE CITY)
OF EAGLE)
_____)

**ORDER DENYING MOTION
FOR CONTINUANCE**

On March 10, 2006, the hearing officer issued an order continuing a hearing in the above titled matter, originally scheduled for April 10-14, 2006. The order continuing the hearing stated that the hearing would be scheduled "no earlier than ninety days following the date" of pump tests expected to be performed by the City of Eagle. The order also stated that "upon completion of the test wells, the City of Eagle shall arrange a time for the anticipated pump tests with the other parties."

By letter dated July 11, 2006, the City of Eagle notified the hearing officer that it had completed the pump tests. The city sent a copy of the letter to each of the protestants.

After receiving notice of the completion of the pump tests by the City of Eagle, on August 18, 2006, the hearing officer sent a letter to the parties informing them of the completion of the tests, and asking the parties to submit unavailable calendar dates in November and December 2006. Copies of the letter were sent to Michael E. Moyle on behalf of Joseph and Lynn Moyle; Eugene Muller; Dana and Viki Purdy; Charles W. Meissner, Jr.; Charles Howarth; and Mary Taylor.

The August 18, 2006 letter stated that, if unavailable dates were not submitted, "the hearing officer will assume all prospective hearing dates are open . . ." Michael E. Moyle did not submit a calendar of unavailable dates.

Based on responses from other parties who identified unavailable dates, on September 6, 2006, the hearing officer issued a notice of hearing scheduling the hearing for December 6-8, and December 11-12, 2006.

On November 3, 2006, the hearing officer received a letter from Michael E. Moyle, asking that the hearing "be reset to a later date." Moyle's letter states that he is "a District 14 State Legislator and the Idaho Legislature will be holding its organizational session December 4th through 8th." Moyle's letter also states that he is the "assistant majority leader in the House . . .", has "significant responsibilities in the organizational session", that he "will be completely occupied and . . . will be unable to attend and participate in the protest hearing . . ."

On November 13, 2006, the hearing officer received a letter from Mary Taylor, concurring in the request by Moyle. Taylor also stated the following in her letter:

. . . it was our understanding that when Eagle **began** their pumping, the protestants were to be notified so there could be observation and/or monitoring on their part. That was never done by the City. That raises questions as to proceeding without having had the opportunity to monitor and/or observe.

In addition, on November 13, 2006, Charles L. Honsinger and Daniel V. Steenson of Ringert Clark Chartered, attorneys at law, filed a *Notice of Appearance* and a *Motion to Continue Hearing* on behalf of Joseph, Lynn, and Michael Moyle; Eugene Muller; Dana and Viki Purdy; Charles W. Meissner, Jr.; and Charles Howarth. Ringert Clark asserted the following grounds for continuing the hearing:

- Inadequate time for counsel to prepare for the hearing.
- Conflicts with other scheduled legal proceedings.
- Conflicts of Michael Moyle previously discussed in the foregoing text.
- Failure of the City of Eagle to arrange with the parties a time for the pump test.

ANALYSIS

Failure to Coordinate the Pump Test

Mary Taylor and the protestants represented by Ringert Clark assert that Eagle failed to arrange a time for the pump test as ordered by the hearing officer in his March 10, 2006 order. The hearing officer intended that all the parties interested in the pump test have an opportunity to participate in the test. If Eagle failed to arrange the timing of the test with the parties, the hearing officer is dismayed that Eagle did not follow the dictates of the order.

Nonetheless, even assuming Eagle did not arrange a time for the pump test with the protestants as required by the hearing officer's March 10, 2006 order, the protestants have known that the City of Eagle completed its pump test since receiving the July 11, 2006 letter. The hearing officer also notified the protestants of the completion of the pump test in his August 16, 2006 letter and alluded to the completion of the test in his September 6, 2006 order. Failure of the city to fully coordinate the pump tests with the protestants should have been raised as an issue at the time the protestants were notified that the pump test had been completed. Instead, the protestants waited until less than a month before the scheduled hearing to complain. Despite Eagle's failure, the protestants' inaction after learning of the completion of the pump test for approximately four months leads the hearing officer to surmise that the protestants were disinterested in participating actively in the pump test. Consequently, failure to coordinate the pump test is not grounds for postponing the hearing at this late date.

Legislative Conflicts

The argument that Michael Moyle has legislative duties is not frivolous. The hearing officer recognizes the important function of the legislature and Moyle's stewardship and leadership responsibilities. Moyle may or may not have known of the scheduling conflict at the time he was asked to identify unavailable dates.

On the other hand, the City of Eagle filed applications to appropriate water nos. 63-32089 and 63-32090 in March 2005, almost two years ago. Moyle did not respond with any unavailable dates. If the hearing is rescheduled after January 1, 2007, the legislature will be in session, perhaps until approximately April 1, 2007. Moyle would not be available for a hearing during the legislative session. The Idaho Department of Water Resources should consider and act on the City of Eagle's applications within a reasonable period of time.

The grounds for a postponement offered by Moyle are not compelling enough to justify extending an already lengthy administrative procedure. Moyle had sufficient opportunity to identify the legislative preparation dates as unavailable. The hearing officer determines that the hearing should not be continued, and will hold the hearing on December 6-8, and December 11-12, 2006, as scheduled.

Conflicts and Preparation by Counsel

Ringert Clark argues that it is unable to adequately prepare for the hearing because of the short time between his retention by the protestants and the commencement of the hearing. Ringert Clark also argues that other court appearances already scheduled on its calendar conflict with the hearing dates.

The hearing officer wants to promote the best presentation of evidence at the hearing. The hearing officer recognizes that Ringert Clark may not be able to fully prepare for the hearing within the approximate three weeks remaining before the hearing. Conflicts in schedules must be accommodated, if possible.

Eagle filed its applications to appropriate water in January 2005. Protests against the applications were filed in March 2005. The protestants have had almost two years to retain counsel. An applicant filing an application to appropriate water has the right to reasonably expect, after the application is processed and protests are filed, that the Department will timely consider the application. Counsel's need for extra time to prepare is outweighed by the protestants' tardiness in retaining counsel and by the fact that postponing the hearing would unreasonably delay consideration of the applications by the Department.

Finally, Ringert Clark was aware of the calendar conflicts prior to its retention by the protestants. Counsel had the option of refusing to represent the protestants, given the prior commitments.

Alternative Scheduling

Nonetheless, if Ringert Clark would like to coordinate a minor postponement with the parties, the hearing officer would be happy to readjust the commencement of the hearing to begin on December 11, 2006. The hearing could proceed as scheduled on December 11-12, 2006, and could recommence on December 15, 18-20, 2006.

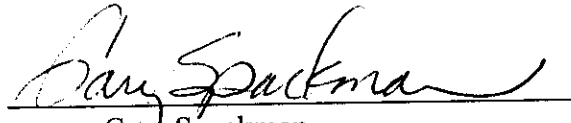
If the hearing is not rescheduled by stipulation, the hearing officer will allow breaks in the record to allow Moyle to participate in portions of the legislative scheduling meetings by telephone.

ORDER

IT IS HEREBY ORDERED that the request for continuance, filed by Michael E. Moyle, and the *Motion to Continue Hearing*, filed by Ringert Clark on behalf of Joseph, Lynn, and Michael Moyle; Eugene Muller; Dana and Vicki Purdy; Charles W. Meissner, Jr.; and Charles Howarth is **Denied**.

IT IS FURTHER ORDERED that the hearing will be conducted on December 6-8 and December 11-12, 2006 as previously scheduled unless the parties agree upon alternative hearing dates.

Dated this 20th day of November, 2006.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of November, 2006, a true and correct copy of the document described below was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order Denying Motion for Continuance

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616

TIM CHENEY
PO BOX 190027
BOISE ID 83719

JERRY & MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616

CORRIN & TERRY HUTTON
10820 NEW HOPE RD
STAR ID 83669

BOB & ELSIE HANSON
4151 HARTLEY RD
EAGLE ID 83616

SAM & KARI ROSTI
1460 N POLLARD LN
STAR ID 83669

BILL FLACK
4035 HARTLEY RD
EAGLE ID 83616

RONALD SCHREINER
2153 N POLLARD LN
STAR ID 83669

CITY OF STAR
C/O ROD LINJA
131 SW 5TH AVE STE A
MERIDIAN ID 83642

SCOTT & NANCY REESER
499 N LINDER RD
EAGLE ID 83616

LEEROY & BILLIE MELLIES
6860 W STATE ST
EAGLE ID 83616

RALPH & BARBARA
WILDER
7320 W STATE ST
EAGLE ID 83616

DEAN & JAN COMBE
6440 W BEACON LIGHT
EAGLE ID 83616

NORMA MARES
4166 W PATEL DR
MERIDIAN ID 83646-9065

BRUCE M SMITH
MOORE SMITH BUXTON
TURKE
225 N 9TH STE 420
BOISE ID 83702

CHARLES L HONSINGER
DANIEL V STEENSON
RINGERT CLARK
CHARTERED
PO BOX 455
BOISE ID 83701-2773

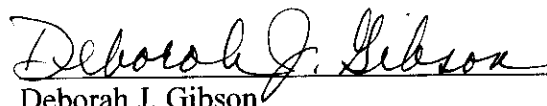
JOHN M MARSHALL
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701-2720

AL SHOUSHARIAN
1119 N EAGLE RD
EAGLE, ID 83616

BUD ROUNDTREE
LINDA BALLARD
468 N LONGHORN AVE
EAGLE ID 83616

MIKE DIXON PRES
HOOT NANNEY FARMS INC
C/O TERRY WHITE
RT 1 2650 WING RD
STAR ID 83669

WESTERN REGION
ATTN JOHN WESTRA
2735 AIRPORT WAY
BOISE ID 83705-5082



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

RECEIVED

NOV 13 2006

DEPARTMENT OF
WATER RESOURCES

CHARLES L. HONSINGER (ISB #5240)
DANIEL V. STEENSON (ISB #4332)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 455
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Protestants Joseph, Lynn and Michael Moyle,
Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr.,
and Charles Howarth

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO,)
APPROPRIATE WATER RIGHT NOS. 63-) AMENDED MOTION TO CONTINUE
32089 AND 63-32090 IN THE NAME OF) HEARING
THE CITY OF EAGLE)
_____)

COMES NOW, Protestants Joseph, Lynn and Michael Moyle, Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr., and Charles Howarth by and through their counsel of record Charles L. Honsinger of the firm of Ringert Clark, Chartered, and, pursuant to IDAPA 37.01.01.260 and IDAPA 37.01.01.561 hereby move the hearing officer for an Order continuing the hearing currently scheduled in this matter for December 6 - 8 and December 11 -12, 2006. This Motion is supported by the previously submitted Affidavit of Charles L. Honsinger, and the Affidavits of Eugene Muller, Charles W. Meissner, Jr., and Charles Howarth submitted herewith and by the record herein. The grounds for this motion are as follows:

1. Protestants' attorneys were just retained on Friday, November 10, 2006. Protestants' attorneys are scheduled to appear at SRBA Initial Hearings on December 6 and 7, 2006, and before

the Idaho Supreme Court in the case of American Falls Reservoir District #2 et. al. v. the Idaho Department of Water Resources et. al. on December 8, 2006. Protestants' attorneys will therefore be unable to attend the currently scheduled hearing.

2. Because Protestants' attorney were just retained in this matter, they have had no opportunity to review the documents and pleadings in the case. A period of less than a month gives Protestants' attorneys no opportunity to consult with, and if necessary, retain an expert to assist them in preparation. Additionally, Protestants' attorneys have had no opportunity to review any documents, including the results of pump tests, that may have been prepared by Applicants and/or their experts relative to this proceeding. Without such opportunities, Protestants' attorneys will be unable to properly prepare for a hearing in early December.

3. Protestant Mike Moyle is a State Legislator who is required to attend the Idaho Legislature's organization session from December 4 - 8, 2006, and will thus be unable to attend at least the first three days of the hearing.

4. Protestants did not received notification from the City of Eagle of the proposed pump tests. In the March 10, 2006 *Order Continuing Hearing and Canceling Prehearing Deadlines*, Idaho Department of Water Resources hearing officer Gary Spackman ordered the City of Eagle to "arrange a time for the anticipated pump tests with the other parties." A true and accurate copy of the Order is attached herein as Exhibit "A".

5. The City of Eagle conducted the pump tests without contacting the above-listed Protestants to arrange a time for the anticipated pump tests.

6. The pump tests provided the Protestants with their only opportunity to monitor likely impacts on the water levels in their wells resulting from the appropriation of ground water under

water right nos. 63-32089 and 63-32090. Failing to inform the Protestants of the time and date of the pump test resulted in prejudice to the Protestants that cannot be remedied by review of the pump test results provided by the City of Eagle.

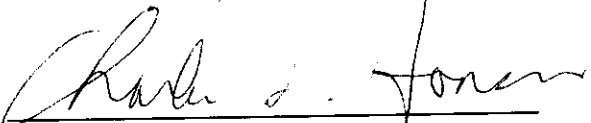
7. The hearing must be continued to allow for a new pump test so that the Protestants have the opportunity to collect water level elevation data from their wells simultaneously with the actual pumping of the test well.

For the above referenced grounds, the hearing in the above-captioned matter should be continued to a date that is after an additional pump test and mutually acceptable to all parties and counsel.

DATED this 15th day of November, 2006

RINGERT CLARK, CHARTERED

By



Charles L. Honsinger

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of November, 2006, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

City of Star
c/o Rod Linja
131 SW 5th Ave., Ste. A
Meridian, Idaho 83642

Michael Heath
Nancy Heath
401 N. Palmer Lane
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Norma Mares
23966 Blessinger Road
Star, Idaho 83669-6016

Sam & Kari Rosti
1460 N. Pollard Lane
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Bruce Smith
Moore Smith Buxton & Turke
225 N. 9th Street, Ste.420
Boise, Idaho 83702

Bill Flack
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Julie K. Fisher
5700 E. Franklin Road, Ste. 200
Nampa, Idaho 83687

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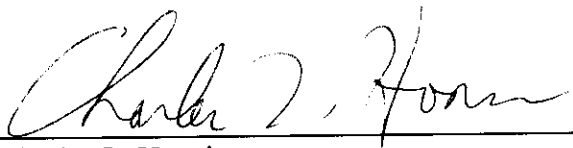
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Al Shoushtarian
1119 N. Eagle Road
Eagle, Idaho 83616



Charles L. Honsinger

Exhibit A

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO)
APPROPRIATE WATER NOS. 63-32089)
AND 63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
_____)

**ORDER CONTINUING
HEARING AND CANCELING
PREHEARING DEADLINES**

On February 28, 2006, the Idaho Department of Water Resources ("Department") received a letter from Bruce M. Smith, attorney for the City of Eagle, notifying the Department that the two test wells authorized for construction by the Department had not been constructed. The letter stated "the City of Eagle will not be able to get the pump test completed pursuant to the existing schedule." The letter also stated "the hearing in April will not be possible." The letter requested that "the hearing be rescheduled along with some of the dates in the scheduling order."


ORDER

IT IS HEREBY ORDER that the hearing scheduled for **April 10 through 14, 2006**, is **canceled** and **continued** until a latter date.

IT IS FURTHER ORDERED that the deadlines for data gathering, disclosure, discovery, and evidence exchange set forth in the Order Authorizing Discovery and Prehearing Order dated January 19, 2006 are **canceled**.

IT IS FURTHER ORDERED that, upon completion of construction of the test wells, the City of Eagle shall arrange a time for the anticipated pump tests with the other parties. When the date(s) for the pump tests have been arranged, the City of Eagle shall notify the Department of the test date(s). After receiving notice of the test date(s), the Department will inquire about available dates for a hearing. The hearing will be scheduled no earlier than ninety days following the date of the test to allow the exchange of information and discovery previously authorized.

Dated this 10th day of March, 2006.



Gary Spackman
Hearing Officer

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JUL 1 1978

DEPARTMENT OF
WATER RESOURCES

CHARLES L. HONSINGER (ISB #5240)
DANIEL V. STEENSON (ISB #4332)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 455
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Protestants Joseph, Lynn and Michael Moyle,
Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr.,
and Charles Howarth

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO,)
APPROPRIATE WATER RIGHT NOS. 63-)
32089 AND 63-32090 IN THE NAME OF)
THE CITY OF EAGLE)
_____)

AFFIDAVIT OF EUGENE MULLER
IN SUPPORT OF MOTION TO
CONTINUE HEARING

STATE OF IDAHO)
COUNTY OF ADA) ss
)

EUGENE MULLER, being first duly sworn upon his oath, deposes and says that:

1. I am a Protestant in the above-captioned matter
2. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
3. I own a well in the vicinity of the proposed municipal wells.
4. My well is approximately 250 feet deep.
5. I was not contacted by the City of Eagle to arrange a time for the anticipated pump tests.

6. I did not receive notice of time and date of the pump tests conducted by the City of Eagle.

7. I was not able to monitor the water level in my well during the pump test because I was not notified of the date of the pump test. Without the opportunity to monitor my well I am unsure of the impact the proposed pumping will have on my well.

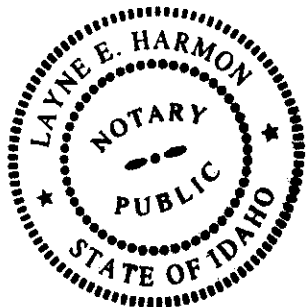
Further your affiant sayeth naught.

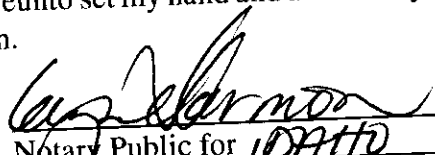

Eugene Muller

STATE OF IDAHO)
)ss.
County of ADA)

On this 15th day of November, 2006, before me, the undersigned, a notary public in and for said state, personally appeared Eugene Muller, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.




Notary Public for IDAHO
Residing at EAGLE, IDAHO
My Commission Expires: 7/20/10

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of November, 2006, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

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Meridian, Idaho 83642

Michael Heath
Nancy Heath
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Tim Cheney
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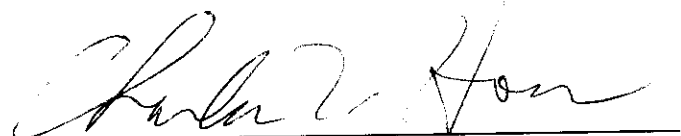
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Western Region
Attn: John Westra
2735 Airport Way
Boise, Idaho 83705-5082

Al Shoushtarian
1119 N. Eagle Road
Eagle, Idaho 83616

A handwritten signature in black ink, appearing to read "Charles L. Honsinger", written over a horizontal line.

Charles L. Honsinger

RECEIVED

FEB 13 2006

DEPARTMENT OF
WATER RESOURCES

CHARLES L. HONSINGER (ISB #5240)
DANIEL V. STEENSON (ISB #4332)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 455
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Protestants Joseph, Lynn and Michael Moyle,
Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr.,
and Charles Howarth

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO,)
APPROPRIATE WATER RIGHT NOS. 63-)
32089 AND 63-32090 IN THE NAME OF)
THE CITY OF EAGLE)
AFFIDAVIT OF CHARLES HOWARTH
IN SUPPORT OF MOTION TO
CONTINUE HEARING

_____)
STATE OF IDAHO)
) ss
COUNTY OF ADA)

CHARLES HOWARTH, being first duly sworn upon his oath, deposes and says that:

1. I am a Protestant in the above-captioned matter
2. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
3. I own a well in the vicinity of the proposed municipal wells and the proposed pumping of ground water may impact my well.
4. I was not contacted by the City of Eagle to arrange a time for the anticipated pump tests.
5. I did not receive notice of time and date of the pump tests conducted by the City of

Eagle.

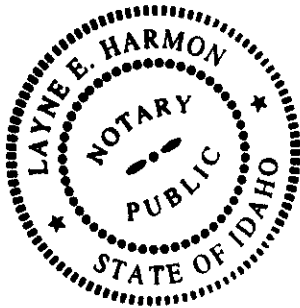
Further your affiant sayeth naught.

Charles Howarth M.D.
Charles Howarth

STATE OF IDAHO)
)ss.
County of ADA)

On this 15th day of November, 2006, before me, the undersigned, a notary public in and for said state, personally appeared Charles Howarth, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Layne E. Harmon
Notary Public for IDAHO
Residing at EAGLE, IDAHO
My Commission Expires: 7/20/10

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of November, 2006, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

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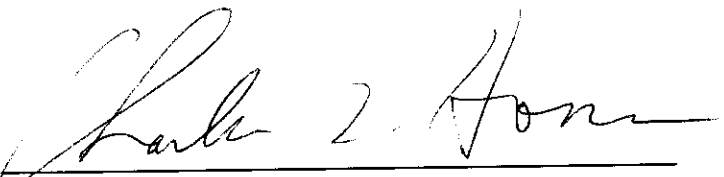
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Western Region
Attn: John Westra
2735 Airport Way
Boise, Idaho 83705-5082

Al Shoushtarian
1119 N. Eagle Road
Eagle, Idaho 83616


Charles L. Honsinger

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JUL 1 1986
DEPARTMENT OF
WATER RESOURCES

CHARLES L. HONSINGER (ISB #5240)
DANIEL V. STEENSON (ISB #4332)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 455
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Protestants Joseph, Lynn and Michael Moyle,
Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr.,
and Charles Howarth

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO,)
APPROPRIATE WATER RIGHT NOS. 63-) AFFIDAVIT OF CHARLES W.
32089 AND 63-32090 IN THE NAME OF) MEISSNER, JR. IN SUPPORT OF
THE CITY OF EAGLE) MOTION TO CONTINUE HEARING
)
)

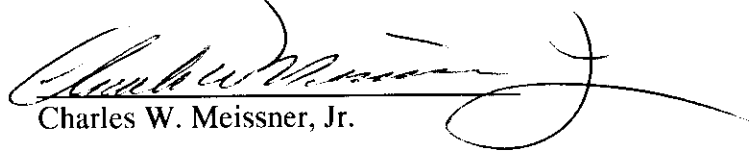
STATE OF IDAHO)
) ss
COUNTY OF ADA)

CHARLES W. MEISSNER, JR., being first duly sworn upon his oath, deposes and says that:

1. I am a Protestant in the above-captioned matter
2. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
3. I own a well in the vicinity of the proposed municipal wells.
4. I was not contacted by the City of Eagle to arrange a time for the anticipated pump tests.
5. I did not receive notice of time and date of the pump tests conducted by the City of Eagle.

6. I was not able to monitor the water level in my wells during the pump test because I was not notified of the date of the pump test. Without the opportunity to monitor my well I am unsure of the impact the proposed pumping will have on my well.

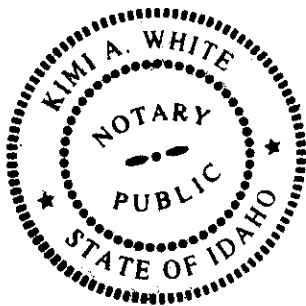
Further your affiant sayeth naught.



Charles W. Meissner, Jr.

STATE OF IDAHO)
)ss.
County of ADA)

On this 15th day of November, 2006, before me, the undersigned, a notary public in and for said state, personally appeared Charles W. Meissner, Jr., known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.




Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 04/01/10

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of November, 2006, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

City of Star
c/o Rod Linja
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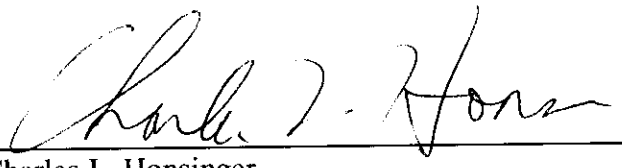
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Eagle, Idaho 83616



Charles L. Honsinger

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

950 W. BANNOCK STREET, SUITE 520
BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

STEPHANIE J. BONNEY
SUSAN E. BUXTON*
MICHAEL C. MOORE†
PAUL J. FITZER
BRUCE M. SMITH
PAUL A. TURCKE°
TAMMY A. ZOKAN*

U A
JOHN J. MCFADDEN*†
of Counsel

* Also admitted in Oregon
† Also admitted in Washington
° Also admitted in South Dakota
* Also admitted in New Mexico

November 14, 2006

Mr. Gary Spackman
Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83720-0098

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NOV 17 2006

DEPARTMENT OF
WATER RESOURCES

Re: Applications to Appropriate Water Nos. 63-32089 and 63-32090 in the name of
the City of Eagle

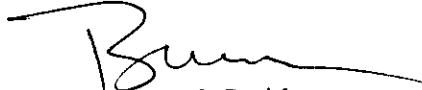
Dear Mr. Spackman:

In response to Mike Moyle's letter of November 2, 2006 requesting that the hearing on the above applications be rescheduled to some unidentified date, the City of Eagle objects to rescheduling the hearing. This matter has already been delayed and further delay would prejudice the City and the pending projects that depend upon getting water from the City. Further, there are over twenty-eight (28) other parties involved and they should not be prejudiced by delay. Given that Mr. Moyle is a member of the legislature, he will also be tied up for some time with legislative business.

Finally, I would note that Mr. Moyle is listed as a contact for the actual protestants, Joseph and Lynn Moyle, who can testify if necessary.

Sincerely,

MOORE SMITH BUXTON & TURCKE
CHARTERED


Bruce M. Smith

BMS/dls
cc: All Protestants

November 8, 2006

LA
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DEPARTMENT OF
WATER RESOURCES

TO: Mr. Gary Spackman
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

FROM: Mary Taylor
3410 Hartley
Eagle, Idaho 83616

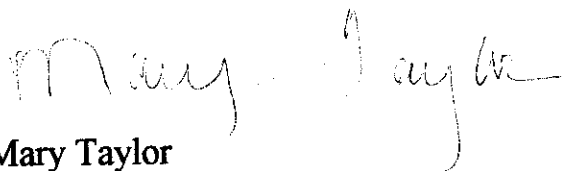
RE: Hearing schedule for City of Eagle applications # 63-32089 & 63-32090

Dear Mr. Spackman,

This letter is in response to Mr. Moyle's letter asking for a delay due to legislative meetings, unknown at the time this hearing was scheduled. We are in support of delaying the hearing to accommodate Mr. Moyles' inability to be at a hearing in which the issues involved could have very negative, long range effects for his interests, as well as many others.

In addition and perhaps we were mistaken, but it was our understanding that when Eagle **began** their test pumping, the protestants were to be notified so there could be observation and/or monitoring on their part. That was never done by the City. That raises questions as to proceeding without having had the opportunity to monitor and/or observe.

Sincerely,



Mary Taylor

DEPARTMENT OF
WATER RESOURCES

CERTIFICATE OF SERVICE

I hereby certify that on this 10 day of November, 2006, I caused to be served a true and correct copy of the foregoing document by U.S. Mail, postage prepaid, to the following:

City of Eagle
PO Box 1520
Eagle ID 83616

Chris Duncan
Holladay Engineering Co.
PO Box 235
Payette ID 83661

Gary Spackman
Idaho Dept. of Water Resources
PO Box 83720
Boise ID 83720-0098

Dana & Vicky Purdy
5926 Flating Feather
Eagle ID 83616

Mike Dixon
Rt. 1 2650 Wing Rd
Star ID 83669

Tony & Brenda O'Neil
1910 N. Mountain Vista Lane
Star ID 83669

Joseph & Lynn Moyle
c/o Michael Moyle
480 N. Plummer Rd
Star ID 83669

Scott Rhead
United Water Id Inc.
PO Box 190420
Boise ID 83719-0420

LeeRoy & Billie Mellies
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Justin Walker
Star Sewer & Water
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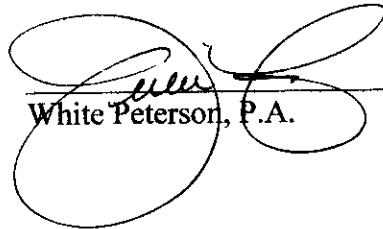
Ronald Schreiner
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Scott & Nancy Reeser
499 N. Linder Road
Eagle ID 83616

Bruce Smith
MOORE SMITH BUXTON
950 W. Bannock, Suite 520
Boise ID 83702-5716



White Peterson, P.A.

DEPARTMENT OF
COMMERCE

ORIGINAL

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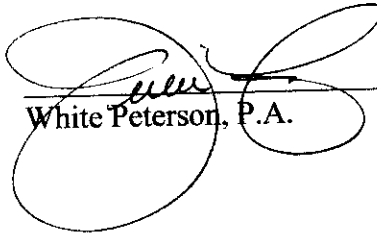
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950 W. Bannock, Suite 520
Boise ID 83702-5716



White Peterson, P.A.

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NOV 13 2006

IDAHO DEPARTMENT OF
WATER RESOURCES

CHARLES L. HONSINGER (ISB #5240)
DANIEL V. STEENSON (ISB #4332)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 455
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Protestants Joseph, Lynn and Michael Moyle,
Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr.,
and Charles Howarth

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO,)
APPROPRIATE WATER RIGHT NOS. 63-) NOTICE OF APPEARANCE
32089 AND 63-32090 IN THE NAME OF)
THE CITY OF EAGLE)
_____))

COMES NOW, Charles L. Honsinger and Daniel V. Steenson of the firm of Ringert Clark,
Chartered, and hereby make their appearance as counsel of record for Protestants Joseph, Lynn and
Michael Moyle, Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr., and Charles
Howarth in the above entitled matter.

Dated this 13th day of November, 2006

RINGERT CLARK, CHARTERED



By: Daniel V. Steenson

CERTIFICATE OF SERVICE

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Al Shoushtarian
1119 N. Eagle Road
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A handwritten signature in black ink, reading "Daniel V. Steenson". The signature is written in a cursive, flowing style. It is positioned above a horizontal line.

Daniel V. Steenson

RECEIVED

NOV 13 2006

DEPARTMENT OF
WATER RESOURCES

CHARLES L. HONSINGER (ISB #5240)
DANIEL V. STEENSON (ISB #4332)
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Facsimile: (208) 342-4657

Attorneys for Protestants Joseph, Lynn and Michael Moyle,
Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr.,
and Charles Howarth

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO,)
APPROPRIATE WATER RIGHT NOS. 63-) MOTION TO CONTINUE HEARING
32089 AND 63-32090 IN THE NAME OF)
THE CITY OF EAGLE)
_____))

COMES NOW, Protestants Joseph, Lynn and Michael Moyle, Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr., and Charles Howarth by and through their counsel of record Charles L. Honsinger of the firm of Ringert Clark, Chartered, and, pursuant to IDAPA 37.01.01.260 and IDAPA 37.01.01.561 hereby move the hearing officer for an Order continuing the hearing currently scheduled in this matter for December 6 - 8 and December 11 -12, 2006. This Motion is supported by the Affidavit of Charles L. Honsinger submitted herewith and by the record herein. The grounds for this motion are as follows:

1. Protestants' attorneys were just retained on Friday, November 10, 2006. Protestants' attorneys are scheduled to appear at SRBA Initial Hearings on December 6 and 7, 2006, and before the Idaho Supreme Court in the case of American Falls Reservoir District #2 et. al. v. the Idaho

Department of Water Resources et. al. on December 8, 2006. Protestants' attorneys will therefore be unable to attend the currently scheduled hearing.

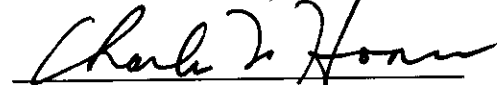
2. Because Protestants' attorney were just retained in this matter, they have had no opportunity to review the documents and pleadings in the case. A period of less than a month gives Protestants' attorneys no opportunity to consult with, and if necessary, retain an expert to assist them in preparation. Additionally, Protestants' attorneys have had no opportunity to review any documents, including the results of pump tests, that may have been prepared by Applicants and/or their experts relative to this proceeding. Without such opportunities, Protestants' attorneys will be unable to properly prepare for a hearing in early December.

3. Protestant Mike Moyle is a State Legislator who is required to attend the Idaho Legislature's organization session from December 4 - 8, 2006, and will thus be unable to attend at least the first three days of the hearing.

For the above referenced grounds, the hearing in the above-captioned matter should be continued to a date that is mutually acceptable to all parties and counsel.

Dated this 13th day of November, 2006

RINGERT CLARK, CHARTERED

A handwritten signature in cursive script, appearing to read "Charles L. Honsinger", written over a horizontal line.

By: Charles L. Honsinger

CERTIFICATE OF SERVICE

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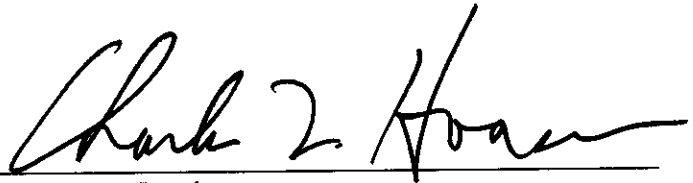
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Charles L. Honsinger

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DEPARTMENT OF
WATER RESOURCES

CHARLES L. HONSINGER (ISB #5240)
DANIEL V. STEENSON (ISB #4332)
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BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO,)
APPROPRIATE WATER RIGHT NOS. 63-) AFFIDAVIT OF CHARLES L.
32089 AND 63-32090 IN THE NAME OF) HONSINGER IN SUPPORT OF MOTION
THE CITY OF EAGLE) TO CONTINUE HEARING
)
)
_____)

STATE OF IDAHO)
) ss
COUNTY OF ADA)

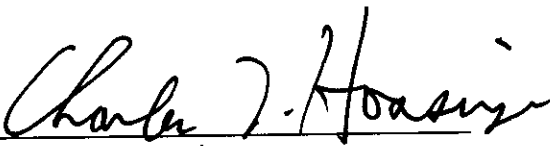
CHARLES L. HONSINGER, being first duly sworn upon his oath, deposes and says that:

1. I am the attorney for Protestants Joseph, Lynn and Michael Moyle, Eugene Muller, Dana and Viki Purdy, Charles W. Meissner, Jr., and Charles Howarth in the above- captioned matter
2. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
3. I met for the first time with my clients to discuss the above referenced matter on Friday, November 10, 2006. My partner, Daniel V. Steenson has yet to meet with our clients.
4. I am scheduled to appear in SRBA Initial Hearings on December 6 including in SRBA

subcase nos. 63-00012, 63-00013, 63-00014 and 63-00015.

5. My partner, Daniel V. Steenson, is scheduled to appear in SRBA Initial Hearings on December 7, 2006, including in SRBA subcase Nos. 63-3605, 63-4579 and 63-5242. Additionally, Mr. Steenson is scheduled to appear for oral argument before the Idaho Supreme Court in the case of American Falls Reservoir District #2 et. al. v. the Idaho Department of Water Resources et. al. on December 8, 2006.
6. Because Mr. Steenson and I were just retained in this matter, we have had no opportunity to review the documents and pleadings in the case. A period of less than a month gives us virtually no opportunity to consult with, and if necessary, retain an expert to assist us in preparing for hearing. Additionally, we have had no opportunity to review any documents or pleadings, including the results of any pump tests, that may have been prepared by Applicants and/or their experts relative to this proceeding. Without such opportunities, we will be unable to properly prepare for a hearing in early December.
7. Protestant Mike Moyle, whom we represent in the above captioned matter, is a State Legislator who is required to attend the Idaho Legislature's organization session from December 4 - 8, 2006, and will thus be unable to attend at least the first three days of the hearing. A letter from Mr. Moyle to the hearing officer dated November 2, 2006 is attached hereto as Exhibit A.

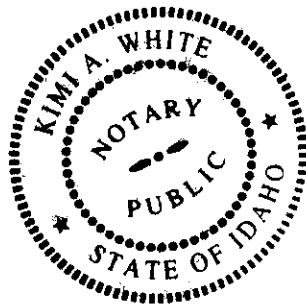
Further your affiant sayeth naught.


Charles L. Honsinger

STATE OF IDAHO)
)ss.
County of ADA)

On this 13th day of November, 2006, before me, the undersigned, a notary public in and for said state, personally appeared Charles L. Honsinger, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Kim A. White
Notary Public for Idaho
Residing at Bur Idaho
My Commission Expires: 04/24/10

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of November, 2006, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

City of Star
c/o Rod Linja
131 SW 5th Ave., Ste. A
Meridian, Idaho 83642

Michael Heath
Nancy Heath
401 N. Palmer Lane
Eagle, Idaho 83616

Tony & Brenda O'Neil
1910 N. Mountain Vista Lane
Star, Idaho 83669

Tim Cheney
P.O. Box 190027
Boise, Idaho 83719

Scott & Nancy Reeser
Leeroy & Billie Mellies
6860 W. State Street
Eagle, Idaho 83616

Jerry & Mary Taylor
3410 Hartley
Eagle, Idaho 83616

Ralph & Barbara Wilder
7320 W. State Street
Eagle, Idaho 83616

Corrin & Terry Hutton
10820 New Hope Road
Star, Idaho 83669

Dean & Jan Combe
6440 W. Beacon Light
Eagle, Idaho 83616

Bob & Elsie Hanson
4151 Hartley Road
Eagle, Idaho 83616

Norma Mares
23966 Blessinger Road
Star, Idaho 83669-6016

Sam & Kari Rosti
1460 N. Pollard Lane
Star, Idaho 83669

Bruce Smith
Moore Smith Buxton & Turke
225 N. 9th Street, Ste. 420
Boise, Idaho 83702

Bill Flack
4035 Hartley Road
Eagle, Idaho 83616

Julie K. Fisher
5700 E. Franklin Road, Ste. 200
Nampa, Idaho 83687

Ronald Schreiner
2143 N. Pollard Lane
Star, Idaho 83669

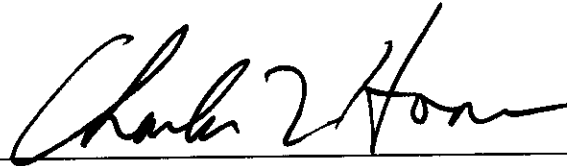
Jerry A. Kiser
Stoppello & Kiser
620 W. Hays
Boise, Idaho 83702

John M. Marshall
Givens Pursley
P.O. Box 2720
Boise, Idaho 83701

Bud Roundtree
Linda Ballard
468 N. Longhorn Ave.
Eagle, Idaho 83616

Western Region
Attn: John Westra
2735 Airport Way
Boise, Idaho 83705-5082

Al Shoushtarian
1119 N. Eagle Road
Eagle, Idaho 83616

A handwritten signature in black ink, appearing to read "Charles L. Honsinger", written over a horizontal line.

Charles L. Honsinger

MICHAEL E. MOYLE
480 N. PLUMMER ROAD
STAR, ID 83669

November 2nd, 2006

Gary Spackman
322 E. Front St.
Boise, Idaho 83706

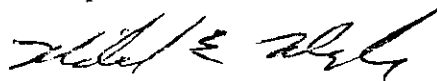
Re: Protest to Applications for Water Appropriation 63-32089 and 63-32090

Dear Gary Spackman,

This letter is to request that the hearing on the protests filed against the City of Eagle well permit APPLICATION FOR WATER APPROPRIATION 63-32089 AND 63-32090 that is scheduled for December 6th-8th and 11th and 12th be reset to a later date. The reason for this request is that I have responsibilities as a District 14 State Legislator and the Idaho Legislature will be holding its organizational session December 4th through 8th. I have no opponent in the election next Tuesday so I assume that I will be re-elected and participating in the organizational session. Since I am currently assistant majority leader in the House and have significant responsibilities in the organizational session my time will be completely occupied and I will be unable to attend and participate in the protest hearing on those dates. I believe that my knowledge of our protest and the facts supporting it makes my attendance and participation important.

I hereby certify that on November 2nd, 2006 I sent a copy of this request by first class mail to all of the individuals listed on the CERTIFICATE OF SERVICE attached to the NOTICE OF HEARING, ORDER AUTHORIZING DISCOVERY, AND PRE-HEARING ORDER that notified me of the hearing and a copy of that CERTIFICATE OF SERVICE is attached hereto.

Respectfully,



Michael E. Moyle

EXHIBIT A

NOV 07 2006

DEPARTMENT OF
WATER RESOURCES

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

John M. Marshall
DIRECT DIAL: 208 388-1270
EMAIL: johnmarshall@givenspursley.com

Gary G. Allen
Kristen A. Atwood
Kelly T. Barbour
Peter G. Barton*
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
Martin C. Hendrickson
Steven J. Hippler
Deborah K. Kristensen
Anne C. Kunkel

Jeremy G. Ladle
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson

W. Hugh O'Riordan, LL.M.
Angela M. Reed
H. Barton Thomas, LL.M.
Scott A. Tschirgi, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White
Terri R. Yost

RETIRED
Kenneth L. Pursley
Raymond D. Givens
James A. McClure

* Licensed in New York
and Washington DC

November 6, 2006

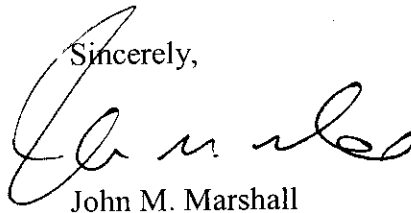
Gary L. Spackman
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: In the Matter of Applications to Appropriate Water Right
Nos. 63-32089 and 63-32090

Dear Mr. Spackman:

This letter is to advise you that United Water Idaho has no objection to Representative Moyle's request to reset the hearing in the matter of Applications for Permit Nos. 63-32089 and 63-32090.

Sincerely,



John M. Marshall

JMM:tma

cc: See attached service list

S:\CLIENTS\8347\JMM to Gary Spackman re reset of hearing.DOC

ORIGINAL

RECEIVED

NOV 07 2006

CERTIFICATE OF MAILING

DEPARTMENT OF
WATER RESOURCES

I HEREBY CERTIFY that on this 6th day of November, 2006, a true and correct copy of the document described below was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document Served: United Water Idaho, Inc. has no objection to Representative Moyle's request to reset the hearing on the City of Eagle's Applications for Permit Nos. 63-32089 and 63-32090 scheduled for December 6th - 8th and 11th and 12th.

Dana & Viki Purdy
5926 Floating Feather
Eagle, Idaho 83616

Sam & Kari Rosti
1460 N. Pollard Lane
Star, Idaho 83669

Joseph & Lynn Moyle
c/o Michael Moyle
480 N. Plummer Road
Star, Idaho 83669

Eugene Muller
320 N. Palmer Lane
Eagle, Idaho 83616

Michael McCollum
1290 Butterfield
San Anselm, CA 94960

Charles Meissner, Jr.
3101 N. Palmer
Eagle, Idaho 83616

Michael Heath
Nancy Heath
410 N. Palmer Lane
Eagle, Idaho 83616

Charles Howarth
c/o Gunner & Matt Howarth
833 N. Palmer
Eagle, Idaho 83616

Tim Cheney
P.O. Box 190027
Boise, Idaho 83719

Bill Black
4035 Hartley Road
Eagle, Idaho 83616

Jerry & Mary Taylor
3410 Hartley
Eagle, Idaho 83616

Ronald Schreiner
2153 N. Pollard Lane
Star, Idaho 83669

Corrin & Terry Hutton
10820 New Hope Road
Star, Idaho 83669

City of Star
c/o Rod Linja
131 SW 5th Avenue, Suite A
Meridian, Idaho 83642

Bob & Elsie Hanson
4151 Hartley Road
Eagle, Idaho 83616

Tony & Brenda O'Neil
1910 N. Mountain Vista Lane
Star, Idaho 83669

Scott & Nancy Reeser
499 N. Linder Road
Eagle, Idaho 83616

Leeroy & Billie Mellies
6860 W. State Street
Eagle, Idaho 83616

Ralph & Barbara Wilder
7320 W. State Street
Eagle, Idaho 83616

Norma Mares
23966 Blessinger Road
Star, Idaho 83669-5016

Bruce M. Smith
Moore Smith Buxton Turke
225 N. 9th Street, Suite 420
Boise, Idaho 83702

Al Shoushtarian
1119 N. Eagle Road
Eagle, Idaho 83616

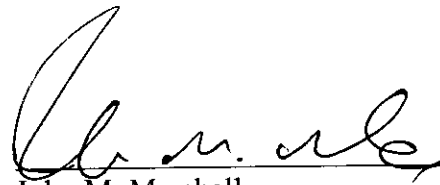
Julie F. Fischer
5700 E. Franklin Road, Suite 200
Nampa, Idaho 83687

Jerry A. Kiser
Stoppello & Kiser
620 W. Hays
Boise, Idaho 83702

Dean & Jan Combe
6440 W. Beacon Light
Eagle, Idaho 83616

Bud Roundtree
Linda Ballard
468 N. Longhorn Avenue
Eagle, Idaho 83616

Western Region
Attn: John Westra
2735 Airport Way
Boise, Idaho 83705-5082


John M. Marshall

WA

MICHAEL E. MOYLE
480 N. PLUMMER ROAD
STAR, ID 83669

November 2nd, 2006

RECEIVED
NOV 2 2006
DEPARTMENT OF
WATER RESOURCES

Gary Spackman
322 E. Front St.
Boise, Idaho 83706

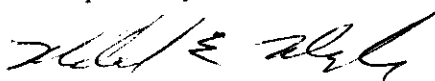
Re: Protest to Applications for Water Appropriation 63-32089 and 63-32090

Dear Gary Spackman,

This letter is to request that the hearing on the protests filed against the City of Eagle well permit APPLICATION FOR WATER APPROPRIATION 63-32089 AND 63-32090 that is scheduled for December 6th-8th and 11th and 12th be reset to a later date. The reason for this request is that I have responsibilities as a District 14 State Legislator and the Idaho Legislature will be holding its organizational session December 4th through 8th. I have no opponent in the election next Tuesday so I assume that I will be re-elected and participating in the organizational session. Since I am currently assistant majority leader in the House and have significant responsibilities in the organizational session my time will be completely occupied and I will be unable to attend and participate in the protest hearing on those dates. I believe that my knowledge of our protest and the facts supporting it makes my attendance and participation important.

I hereby certify that on November 2nd, 2006 I sent a copy of this request by first class mail to all of the individuals listed on the CERTIFICATE OF SERVICE attached to the NOTICE OF HEARING, ORDER AUTHORIZING DISCOVERY, AND PRE-HEARING ORDER that notified me of the hearing and a copy of that CERTIFICATE OF SERVICE is attached hereto.

Respectfully,



Michael E. Moyle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of November, 2006, a true and correct copy of the document described below was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document Served: Request to change hearing dates regarding the Protest to Applications for Water Appropriation 63-32089 and 63-32090.

DANA & VIKI PURDY
5926 FLOATING FEATHER
EAGLE ID 83616

JOSEPH & LYNN MOYLE
C/O MICHAEL MOYLE
480 N. PLUMMER RD
STAR ID 83669

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616

TIM CHENEY
PO Box 190027
BOISE ID 83719

JERRY & MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616

CORRIN & TERRY HUTTON
10820 NEW HOPE RD
STAR ID 83669

BOB & ELSIE HANSON
4151 HARTLEY RD
EAGLE ID 83616

SAM & KARI ROSTI
1460 N POLLARD LN
STAR ID 83669

EUGENE MULLER
320 N PALMER LN
EAGLE ID 83616

CHARLES MEISSNER JR
3101 N PALMER
EAGLE ID 83616

CHARLES HOWARTH
C/O GUNNER & MATT HOWARTH
833 N PALMER
EAGLE ID 83616

BILL BLACK
4035 HARTLEY RD
EAGLE ID 83616

RONALD SCHREINER
2153 N POLLARD LN
STAR ID 83669

CITY OF STAR
C/O ROD LINJA
131 SW 5TH AVE STE A
MERIDIAN ID 83642

TONY & BRENDA O'NEIL
1910 N. MTN VISTA LN
STAR ID 83669

SCOTT & NANCY REESER
499 N LINDER RD
EAGLE ID 83616

LEEROY & BILLIE MELLIES
6860 W STATE ST
EAGLE ID 83616

RALPH & BARBARA WILDER
7320 W STATE ST
EAGLE ID 83616

DEAN & JAN COMBE
6440 W BEACON LIGHT
EAGLE ID 83616

NORMA MARES
23966 BLESSINGER RD
STAR ID 83669-5016

BRUCE M SMITH
MOORE SMITH BUXTON TURKE
225 N 9TH STE 420
BOISE ID 83702

JULIE K. FISCHER
5700 E. FRANKLIN RD
STE 200 NAMPA ID 83687

JERRY A KISER
STOPPELLO & KISER
620 W HAYS
BOISE ID 83702

JOHN M MARSHALL
GIVENS PURSLEY
PO Box 2720
BOISE ID 83701-2720

AL SHOUSHARIAN
1119 N EAGLE RD
EAGLE ID 83616

BUD ROUNDTREE
LINDA BALLARD
468 N LONGHORN AVE
EAGLE ID 83616

WESTERN REGION
ATTN JOHN WESTRA
2735 AIRPORT WAY
BOISE ID 83705-5082

Respectfully,

A handwritten signature in black ink, appearing to read "Michael E. Moyle". The signature is fluid and cursive, with the first name "Michael" and last name "Moyle" being the most prominent parts.

Michael E. Moyle

RECEIVED

NOV 07 2006

DEPARTMENT OF
WATER RESOURCES

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

FRANK W. STOPPELLO
JERRY A. KISER
F. MATTHEW STOPPELLO

November 2, 2006

Idaho Department of Water Resources
Attn: Deborah Gibson
322 East Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098

Re: City of Eagle Applications to Appropriate Water
Nos. 63-32089 and 63-32090/Withdrawal of Protests

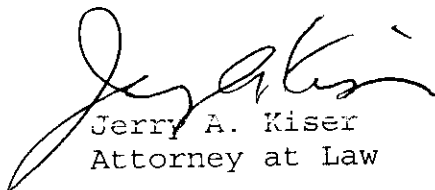
Dear Ms. Gibson:

Enclosed please find are the following:

1. Withdrawal Of Protests, together with one copy;
and
2. Self-addressed, stamped envelope.

Please file the enclosed Withdrawal Of Protests and return a
conformed copy to the undersigned in the enclosed envelope.

Sincerely,



Jerry A. Kiser
Attorney at Law

JAK:hz
Enclosures
cc: Bruce Smith
Star Sewer & Water District

RECEIVED

NOV 07 2006

DEPARTMENT OF
WATER RESOURCES

Jerry A. Kiser
STOPPELLO & KISER
ATTORNEYS AT LAW
620 West Hays Street
Boise, Idaho 83702
Telephone: (208) 336-1020
Facsimile: (208) 336-1027
Idaho State Bar No. 3719

Attorneys for Star Sewer & Water District

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

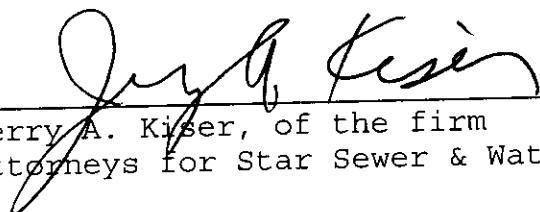
IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) WITHDRAWAL OF PROTESTS
63-32090 IN THE NAME OF THE)
CITY OF EAGLE.)
_____)

COMES NOW Protestant, STAR SEWER & WATER DISTRICT, by and
though its attorney of record, JERRY A. KISER of the firm
STOPPELLO & KISER ATTORNEYS AT LAW and hereby withdraws STAR
SEWER & WATER DISTRICT's protest to the above-entitled
applications for permits to appropriate water filed by the City
of Eagle.

DATED this 2 day of November, 2006.

STOPPELLO & KISER
ATTORNEYS AT LAW

By


Jerry A. Kiser, of the firm
Attorneys for Star Sewer & Water District

WITHDRAWAL OF PROTESTS 1.

CERTIFICATE OF SERVICE: The undersigned does hereby certify that on this date he caused a true and correct copy of the within and foregoing WITHDRAWAL OF PROTESTS be sent by United States first-class postage prepaid mail to the following:

Dana & Viki Purdy
5926 Floating Feather Road
Eagle, ID 83616

Joseph & Lynn Moyle
c/o Michael Moyle
480 N. Plummer Road
Star, ID 83669

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

Michael Heath
Nancy Heath
401 N. Palmer Lane
Eagle, ID 83616

Tim Cheney
P.O. Box 190027
Boise, ID 83719

Jerry and/or Mary Taylor
3410 Hartley
Eagle, ID 83616

Corrin H. Hutton
Terry Hutton
10820 New Hope Road
Star, ID 83669

Bob and Elsie Hanson
4151 Hartley Road
Eagle, ID 83616

Tony and Brenda O'Neal
1910 N. Mountain Vista Lane
Star, ID 83669

Sam and Kari Rosti
1460 N. Pollard Lane
Star, ID 83669

Eugene Muller
320 N. Palmer Lane
Eagle, ID 83616

Charles W. Meissner Jr.
3101 N. Palmer
Eagle, ID 83616

Charles Howarth
c/o Gunnar & Matt Howarth
833 N. Palmer
Eagle, ID 83616

Bill Flack
4035 Hartley Road
Eagle, ID 83616

Ron Schreiner
2153 N. Pollard Lane
Star, ID 83669

City of Star
% Rod Linja
131 SW 5th Ave., Suite A
Meridian, ID 83642

Scott & Nancy Reeser
499 N. Linder Rd.
Eagle, ID 83616

Leeroy and Billie Mellies
6860 W. State Street
Eagle, ID 83616

Dean and/or Jan Combe
6440 W. Beacon Light Road
Eagle, ID 83616

WITHDRAWAL OF PROTESTS 2.

Norma Mares
23966 Blessinger Road
Star, ID 83669

Ralph and Barbara Wilder
7320 W. State Street
Eagle, ID 83616

Julie Klein Fischer
White Peterson
5700 Franklin Road
Suite 200
Nampa, ID 83687

Bruce Smith
Moore Smith Buxton Turke
950 W. Bannock Street
Suite 520
Boise, ID 83702-5716

John M. Marshall
GIVENS PURSLEY
P.O. Box 2720
Boise, ID 83701-2720

Al Shoushtarian
1119 N. Eagle Road
Eagle, ID 83616

Bud Roundtree
Linda Ballard
468 N. Longhorn Ave.
Eagle, ID 83616

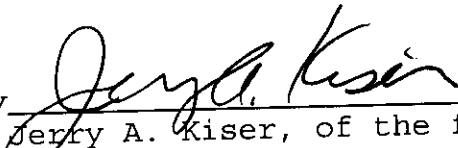
Western Region
Attn: John Westra
2735 Airport Way
Boise, ID 83705-5082

United Water Idaho
c/o John M. Marshall
GIVENS PURSLEY
P.O. Box 2720
Boise, ID 83701-2720

Mike Dixon
Rt. 1
2650 Wing Road
Star, ID 83669

DATED this 2 day of November, 2006.

STOPPELLO & KISER
ATTORNEYS AT LAW

By 
Jerry A. Kiser, of the firm
Attorneys for Star Sewer & Water

WITHDRAWAL OF PROTESTS 3.

67A
OCT 23 2006

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER
F. MATTHEW STOPPELLO

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

October 19, 2006

Idaho Department of Water Resources
Attn: Deborah Gibson
322 East Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098

Re: City of Eagle Applications to Appropriate Water
Nos. 63-32089 and 63-32090

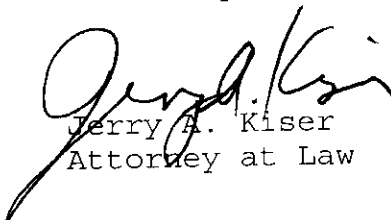
Dear Ms. Gibson:

Enclosed please find are the following:

1. Notice of Service of Discovery Responses, together with one copy; and
2. Self-addressed, stamped envelope.

Please file the enclosed Notice and return a conformed copy ✓ 10/24/06
to the undersigned in the enclosed envelope. dg

Sincerely,


Jerry A. Kiser
Attorney at Law

JAK:hv
Enclosures
cc: Bruce Smith

RECEIVED
OCT 23 2006
Department of Water Resources

Jerry A. Kiser
STOPPELLO & KISER
ATTORNEYS AT LAW
620 West Hays Street
Boise, Idaho 83702
Telephone: (208) 336-1020
Facsimile: (208) 336-1027
Idaho State Bar No. 3719

Attorneys for Star Sewer & Water District

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)	
FOR PERMIT NOS. 63-32089 AND)	NOTICE OF SERVICE OF
63-32090 IN THE NAME OF THE)	DISCOVERY RESPONSES
CITY OF EAGLE.)	
_____)	

COMES NOW Protestant, STAR SEWER & WATER DISTRICT, by and through its attorney of record, JERRY A. KISER of the firm STOPPELLO & KISER, and hereby gives notice that the City of Eagle's First Set of Interrogatories and Request for Production of Documents were answered and responded to by Protestants and served on the 19th day of October, 2006, upon Bruce M. Smith, counsel for The City of Eagle.

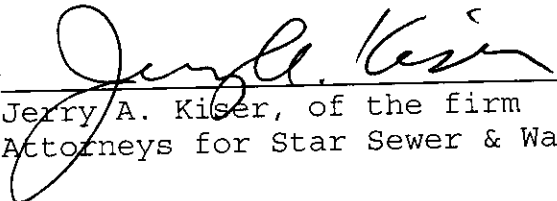
NOTICE OF SERVICE OF
DISCOVERY RESPONSES - 1.

CERTIFICATE OF SERVICE: The undersigned does hereby certify that on this date he caused a true and correct copy of the within and foregoing NOTICE OF SERVICE OF DISCOVERY RESPONSES to be served by United States First-Class Mail, postage prepaid, on:

Bruce M. Smith
Moore Smith Buxton and Turke, Chartered
Attorneys At Law
950 W. Bannock Street
Suite 520
Boise, ID 83702-5716

DATED this 19th day of October, 2006.

STOPPELLO & KISER
ATTORNEYS AT LAW

By  _____
Jerry A. Kiser, of the firm
Attorneys for Star Sewer & Water District

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER
F. MATTHEW STOPPELLO

RECEIVED

OCT 18 2006

DEPARTMENT OF
WATER RESOURCES

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

October 17, 2006

Idaho Department of Water Resources
Attn: Deborah Gibson
322 East Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098

Re: City of Eagle Applications to Appropriate Water
Nos. 63-32089 and 63-32090

Dear Ms. Gibson:

Pursuant to your telephone conversation with my secretary
today, enclosed are the following:

1. Star Sewer & Water District's Disclosure of Expert
Witnesses, together with one copy which was served
on all parties on October 13, 2006; and,
2. Self-addressed, stamped envelope.

Please file the enclosed Disclosure of Expert Witnesses and
return a conformed copy to the undersigned in the enclosed
envelope.

Sincerely,


Jerry A. Kiser
Attorney at Law

JAK:jf

Enclosures

RECEIVED

OCT 18 2006

Department of Water Resources

Jerry A. Kiser
STOPPELLO & KISER
ATTORNEYS AT LAW
620 West Hays Street
Boise, Idaho 83702
Telephone: (208) 336-1020
Facsimile: (208) 336-1027
Idaho State Bar No. 3719

Attorneys for Star Sewer & Water District

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)	
FOR PERMIT NOS. 63-32089 AND)	STAR SEWER & WATER DISTRICT'S
63-32090 IN THE NAME OF THE)	DISCLOSURE OF EXPERT WITNESSES
CITY OF EAGLE.)	
_____)	

COMES NOW, STAR SEWER & WATER DISTRICT, by and through its attorney of record, JERRY A. KISER, of the firm of Stoppello and Kiser, Attorney At Law, and hereby provides notice of expert witnesses that will or may be called at the hearing in the above-entitled matter as follows:

- (1) Tom Wood
Clearwater Geo Sciences
510 E. 17th Street, Suite 205
Idaho Falls, ID 83404
- (2) Justin Walker
Keller Associates, Inc.
131 SW 5th Ave.
Meridian, ID 83642

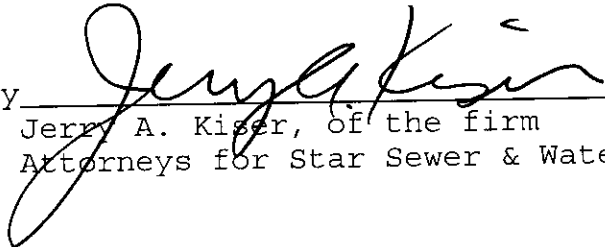
DISCLOSURE OF EXPERT WITNESSES - 1.

(3) Robert Podgorney
Clearwater Geo Sciences
510 E. 17th Street, Suite 205
Idaho Falls, ID 83404

(4) Michael Roddy
c/o Clearwater Geo Sciences
510 E. 17th Street, Suite 205
Idaho Falls, ID 83404

DATED this 13th day of October, 2006.

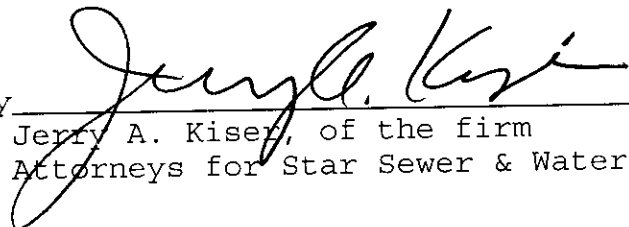
STOPPELLO & KISER
ATTORNEYS AT LAW

By 
Jerry A. Kiser, of the firm
Attorneys for Star Sewer & Water District

CERTIFICATE OF SERVICE: The undersigned does hereby
certify that on this date he caused a true and correct copy of
the within and foregoing EXPERT WITNESS DISCLOSURE to be sent by
United States first-class postage prepaid mail to the following:

DATED this 13th day of October, 2006.

STOPPELLO & KISER
ATTORNEYS AT LAW

By 
Jerry A. Kiser, of the firm
Attorneys for Star Sewer & Water

Dana & Viki Purdy
5926 Floating Feather Road
Eagle, ID 83616

Joseph & Lynn Moyle
c/o Michael Moyle
480 N. Plummer Road
Star, ID 83669

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

DISCLOSURE OF EXPERT WITNESSES - 2.

Michael Heath
Nancy Heath
401 N. Palmer Lane
Eagle, ID 83616

Tim Cheney
P.O. Box 190027
Boise, ID 83719

Jerry and/or Mary Taylor
3410 Hartley
Eagle, ID 83616

Corrin H. Hutton
Terry Hutton
10820 New Hope Road
Star, ID 83669

Bob and Elsie Hanson
4151 Hartley Road
Eagle, ID 83616

Tony and Brenda O'Neal
1910 N. Mountain Vista Lane
Star, ID 83669

Sam and Kari Rosti
1460 N. Pollard Lane
Star, ID 83669

Eugene Muller
320 N. Palmer Lane
Eagle, ID 83616

Charles W. Meissner Jr.
3101 N. Palmer
Eagle, ID 83616

Charles Howarth
c/o Gunnar & Matt Howarth
833 N. Palmer
Eagle, ID 83616

Bill Flack
4035 Hartley Road
Eagle, ID 83616

Ron Schreiner
2153 N. Pollard Lane
Star, ID 83669

City of Star
% Rod Linja
131 SW 5th Ave., Suite A
Meridian, ID 83642

Scott & Nancy Reeser
499 N. Linder Rd.
Eagle, ID 83616

Leeroy and Billie Mellies
6860 W. State Street
Eagle, ID 83616

Dean and/or Jan Combe
6440 W. Beacon Light Road
Eagle, ID 83616

Norma Mares
23966 Blessinger Road
Star, ID 83669

Ralph and Barbara Wilder
7320 W. State Street
Eagle, ID 83616

Julie Klein Fischer
White Peterson
5700 Franklin Road
Suite 200
Nampa, ID 83687

Bruce Smith
Moore Smith Buxton Turke
950 W. Bannock Street
Suite 520
Boise, ID 83702-5716
and by Facsimile Transmission
to 331-1202

John M. Marshall
GIVENS PURSLEY
P.O. Box 2720
Boise, ID 83701-2720

Al Shoushtarian
1119 N. Eagle Road
Eagle, ID 83616

Bud Roundtree
Linda Ballard
468 N. Longhorn Ave.
Eagle, ID 83616

Western Region
Attn: John Westra
2735 Airport Way
Boise, ID 83705-5082

United Water Idaho
c/o Scott Rhead
P.O. Box 190420
Boise, ID 83719-0420

Mike Dixon
Rt. 1
2650 Wing Road
Star, ID 83669

RECEIVED
OCT 17 2006
DEPARTMENT OF
WATER RESOURCES

Julie K. Fischer
WHITE PETERSON, P.A.
5700 East Franklin Road, Suite 200
Nampa, Idaho 83687
Telephone: (208) 466-9272
Facsimile: (208) 466-4405
Idaho State Bar No. 4601
jkf@whitepeterson.com

Attorneys for Respondents
Hoot Nanney Farms, Inc., Mike Dixon

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NOS. 63-32089 AND 63-32090 IN)
THE NAME OF CITY OF EAGLE)
)
)
)

EXPERT WITNESS DISCLOSURE

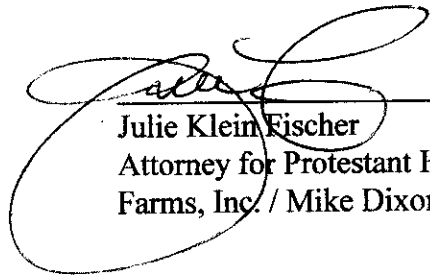
COMES NOW, Protestant, Hoot Nanney Farms, Inc./ Mike Dixon, by and through its attorney of record, Julie Klein Fischer of White Peterson, P.A., and hereby discloses Protestant's expert witness as follows:

Steve Hannula
ERO Resources
3314 Grace Street
Boise, ID 83703

Mr. Hannula will testify regarding the water levels in Hoot Nanney's wells as to the potential impact to water levels if applications are approved.

DATED this 16th day of October, 2006.

WHITE PETERSON, P.A.



Julie Klein Fischer
Attorney for Protestant Hoot Nanney
Farms, Inc. / Mike Dixon

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2006, I caused to be served a true and correct copy of the foregoing document by U.S. Mail, postage prepaid, to the following:

City of Eagle
PO Box 1520
Eagle ID 83616

Chris Duncan
Holladay Engineering Co.
PO Box 235
Payette ID 83661

Gary Spackman
Idaho Dept. of Water Resources
PO Box 83720
Boise ID 83720-0098

Dana & Vicky Purdy
5926 Flating Feather
Eagle ID 83616

Mike Dixon
Rt. 1 2650 Wing Rd
Star ID 83669

Tony & Brenda O'Neil
1910 N. Mountain Vista Lane
Star ID 83669

Joseph & Lynn Moyle
c/o Michael Moyle
480 N. Plummer Rd
Star ID 83669

Scott Rhead
United Water Id Inc.
PO Box 190420
Boise ID 83719-0420

LeeRoy & Billie Mellies
6860 W. State St.
Eagle ID 83616

Michael McCollum
1290 Butterfield
San Anselmo CA 94960

Sam & Kari Rosti
1460 N. Pollard Lane
Star ID 83669

Ralph & Barbara Wilder
7320 W. State St.
Eagle ID 83616

Michael Heath
Nancy Heath
401 N. Palmer Lane
Eagle ID 83616

Eugene Muller
c/o Mary Taylor
320 N. Palmer Lane
Eagle ID 83616

Dean & Jan Combe
6440 W. Beacon Light
Eagle ID 83616

Tim Cheney
PO Box 190027
Boise ID 83719

Charles Meissner, Jr.
3101 N. Palmer
Eagle ID 83616

Norma Mares
Mary Taylor
23966 Blessinger Road
Star ID 83669-5016

Jim Keller
Justin Walker
Star Sewer & Water
131 SW 5th Ave. Ste. A
Meridian ID 83642

Charles Howard
c/o Gunner & Matt Howarth
833 N. Palmer
Eagle ID 83616

Jerry & Mary Taylor
3410 Hartley
Eagle ID 83616

Bill Flack
4035 Hartley Rd
Eagle ID 83616

Corrin Hutton
Terry Hutton
10820 New Hope Road
Star ID 83669


Ronald Schreiner
2153 N. Pollard Lane
Star ID 83669

Bob & Elsie Hanson
4151 Hartley Road
Eagle ID 83616

City of Star
c/oRrod Linja
131 SW 5th Ave. Ste. A
Meridian ID 83642

Scott & Nancy Reeser
499 N. Linder Road
Eagle ID 83616

Bruce Smith
MOORE SMITH BUXTON
950 W. Bannock, Suite 520
Boise ID 83702-5716


White Peterson, P.A.

da:W:\Work\H\Hoot Nanney\City of Eagle 17312.003\Pleadings\Expert Witness Disclosure.doc

Julie K. Fischer
WHITE PETERSON, P.A.
5700 East Franklin Road, Suite 200
Nampa, Idaho 83687
Telephone: (208) 466-9272
Facsimile: (208) 466-4405
Idaho State Bar No. 4601
jkf@whitepeterson.com

Attorneys for Respondents
Hoot Nanney Farms, Inc., Mike Dixon

RECEIVED

OCT 16 2006

DEPARTMENT OF
WATER RESOURCES

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NOS. 63-32089 AND 63-32090 IN
THE NAME OF CITY OF EAGLE

)
)
) **EXPERT WITNESS DISCLOSURE**
)
)
)

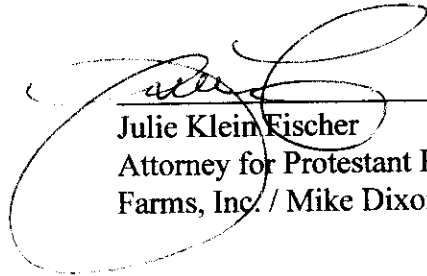
COMES NOW, Protestant, Hoot Nanney Farms, Inc./ Mike Dixon, by and through its attorney of record, Julie Klein Fischer of White Peterson, P.A., and hereby discloses Protestant's expert witness as follows:

Steve Hannula
ERO Resources
3314 Grace Street
Boise, ID 83703

Mr. Hannula will testify regarding the water levels in Hoot Nanney's wells as to the potential impact to water levels if applications are approved.

DATED this 16th day of October, 2006.

WHITE PETERSON, P.A.



Julie Klein Fischer
Attorney for Protestant Hoot Nanney
Farms, Inc. / Mike Dixon

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2006, I caused to be served a true and correct copy of the foregoing document by U.S. Mail, postage prepaid, to the following:

City of Eagle
PO Box 1520
Eagle ID 83616

Chris Duncan
Holladay Engineering Co.
PO Box 235
Payette ID 83661

Gary Spackman
Idaho Dept. of Water Resources
PO Box 83720
Boise ID 83720-0098

Dana & Vicky Purdy
5926 Flating Feather
Eagle ID 83616

Mike Dixon
Rt. 1 2650 Wing Rd
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320 N. Palmer Lane
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Dean & Jan Combe
6440 W. Beacon Light
Eagle ID 83616

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Boise ID 83719

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3101 N. Palmer
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Norma Mares
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23966 Blessinger Road
Star ID 83669-5016

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Justin Walker
Star Sewer & Water
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Jerry & Mary Taylor
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Eagle ID 83616

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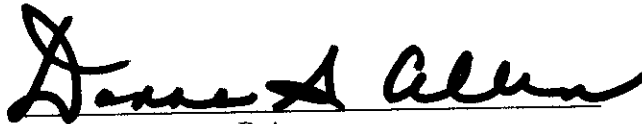
Ronald Schreiner
2153 N. Pollard Lane
Star ID 83669

Bob & Elsie Hanson
4151 Hartley Road
Eagle ID 83616

City of Star
c/o Rod Linja
131 SW 5th Ave. Ste. A
Meridian ID 83642

Scott & Nancy Reeser
499 N. Linder Road
Eagle ID 83616

Bruce Smith
MOORE SMITH BUXTON
950 W. Bannock, Suite 520
Boise ID 83702-5716


White Peterson, P.A.

da:W:\Work\H\Hoot Nanney\City of Eagle 17312.003\Pleadings\Expert Witness Disclosure.doc

RECEIVED

OCT 10 2006

ORIGINAL

Bruce M. Smith, ISB #3425

Tammy A. Zokan, ISB #5450

MOORE SMITH BUXTON & TURCKE, CHARTERED

Attorneys at Law

950 W. Bannock Street, Suite 520

Boise, ID 83702-5716

Telephone: (208) 331-1800

Facsimile: (208) 331-1202

Attorneys for the City of Eagle

DEPARTMENT OF
WATER RESOURCES

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)

FOR PERMIT NOS. 63-32089 AND)

63-32090 IN THE NAME OF THE)

CITY OF EAGLE)

)

)

CITY OF EAGLE'S DISCLOSURE
OF EXPERT WITNESSES

COMES NOW, the City of Eagle (the "City"), by and through its counsel of record, Bruce M. Smith, of the firm Moore, Smith, Buxton & Turcke, Chartered, and provides notice of expert witnesses that it intends to call at hearing in the above matter as follows:

1. Chris Duncan
Holladay Engineering
32 N. Main Street
Payette, ID 83655
(208) 642-3304
2. Terry Scanlan
SPF Engineering LLC
600 E. River Park Lane, Ste. 105
Boise, Id 83706
(208) 383-4140

DATED this 16 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.

By

Bruce M. Smith, of the firm
Attorneys for City of Eagle

CERTIFICATE OF SERVICE

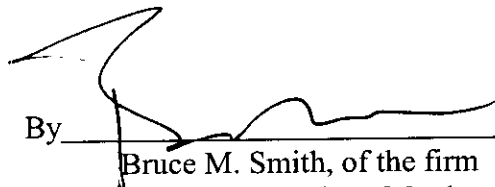
The undersigned does hereby certify that on the _____ day of October, 2006, a true and correct copy of the within and foregoing document by United States first-class, postage prepaid mail to:

TIM CHENEY PO BOX 190027 BOISE ID 83719	DEAN & JAN COMBE 6440 W BEACON LIGHT EAGLE ID 83616	HOOT NANNEY FARMS, INC., MIKE DIXON c/o JULIE K FISHER WHITE PETERSON 5700 FRANKLIN ROAD SUITE 200 NAMPA ID 83687
CITY OF STAR c/o ROD LINJA 131 SW 5 TH AVE STE A MERIDIAN ID 83642	BILL FLACK 4035 HARTLEY ROAD EAGLE ID 83616	BOB & ELSIE HANSON 4151 HARTLEY ROAD EAGLE ID 83616
MICHAEL & NANCY HEATH 401 N. PALMER LANE EAGLE ID 83616	CHARLES HOWARTH c/o GUNNER & MATT HOWARTH 833 N PALMER EAGLE ID 83616	CORRIN & TERRY HUTTON 10820 NEW HOPE ROAD STAR ID 83669
STAR SEWER and WATER DISTRICT JERRY A KISER STOPPELLO & KISER 620 W HAYS BOISE ID 83702	MICHAEL McCOLLUM 1290 BUTTERFIELD SAN ANSELMO CA 94960	CHARLES MEISSNER JR 3101 N PALMER EAGLE ID 83616
LEEROY & BILLIE MELLIES 6860 W STATE STREET EAGLE ID 83616	JOSEPH & LYNN MOYLE MICHAEL MOYLE 480 N. PLUMMER ROAD STAR, ID 83669	EUGENE MULLER 320 N PALMER LANE EAGLE ID 83616
DANA & VIKI PURDY 5926 FLOATING FEATHER EAGLE ID 83616	SCOTT AND NANCY REESER 499 N LINDER ROAD EAGLE ID 83616	SAM & KARI ROSTI 1460 N. POLLARD LANE STAR ID 83669

BUD ROUNDTREE LINDA BALLARD 468 N. LONGHORN AVENUE EAGLE, ID 83616	RONALD SCHREINER 2153 N POLLARD LANE STAR ID 83669	AL SHOUSHARIAN 1119 N. EAGLE ROAD EAGLE, ID 83616
JERRY & MARY TAYLOR 3410 HARTLEY EAGLE ID 83616	UNITED WATER ID INC c/o JOHN M. MARSHALL GIVENS PURSELY LLP 601 W. BANNOCK STREET BOISE ID 83702	IDWR - WESTERN REGION ATTN JOHN WESTRA 2735 AIRPORT WAY BOISE ID 83705-5082
RALPH & BARBARA WILDER 7320 W STATE STREET EAGLE ID 83616		

DATED this 19 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

RECEIVED

OCT 10 2006

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450

DEPARTMENT OF
WATER RESOURCES

MOORE SMITH BUXTON & TURCKE, CHARTERED

Attorneys at Law

950 W. Bannock Street, Suite 520

Boise, ID 83702-5716

Telephone: (208) 331-1800

Facsimile: (208) 331-1202

ORIGINAL

Attorneys for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND)
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
_____)


NOTICE OF COMPLIANCE

COMES NOW, the City of Eagle, and gives notice that the City served its Notice of Expert

Witnesses to all parties via regular U.S. mail, postage prepaid on the 6th day of October, 2006.

DATED this 10 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

RECEIVED

OCT 05 2006

DEPARTMENT OF
WATER RESOURCES

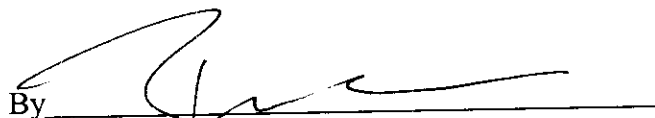
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant(s), JOSEPH MOYLE AND LYNN MOYLE, and MICHAEL MOYLE via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Joseph Moyle
Lynn Moyle
Michael Moyle
480 N. Plummer Road
Star, ID 83669

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By  _____

Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

RECEIVED
OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

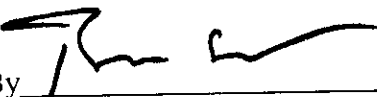
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant, UNITED WATER via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle


CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

UNITED WATER
c/o John M. Marshall
GIVENS PURSLEY LLP
601 W. Bannock Street
Boise, ID 83702

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

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DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

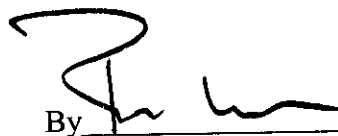
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant(s), DEAN COMBE AND JAN COMBE via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle


CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Dean Combe
Jan Combe
6440 W. Beacon Light
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW



By _____

Bruce M. Smith, of the firm
Attorneys for City of Eagle

OCT 05 2006
DEPARTMENT OF
WATER RESOURCES


BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant, RONALD SCHREINER via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By  _____
Bruce M. Smith, of the firm
Attorneys for City of Eagle

CERTIFICATE OF SERVICE

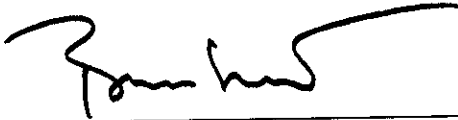
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Ronald Schreiner
2153 N. Pollard Lane
Star, ID 83669

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By



Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

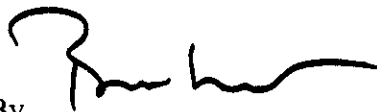
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant, BILL FLACK via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

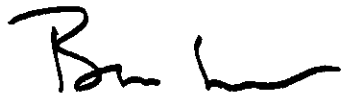
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Bill Flack
4035 Hartley Road
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle


**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant, CHARLES MEISSNER JR. via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

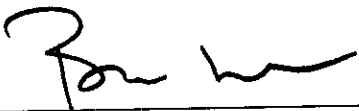
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Charles Meissner, Jr.
3101 N. Palmer
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
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Facsimile: (208) 331-1202

OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

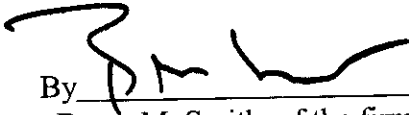
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant, CHARLES HOWARTH via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Charles Howarth
c/o Gunner & Matt Howarth
833 N. Palmer
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By



Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle


**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
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)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant, EUGENE MULLER via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

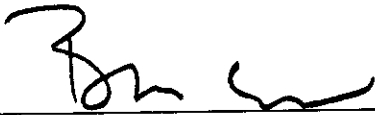
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Eugene Muller
320 N. Palmer Lane
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
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RECEIVED
OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

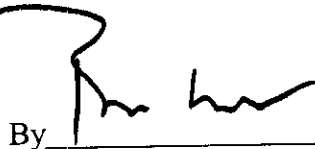
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant, AL SHOUSHARIAN via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW



By _____
Bruce M. Smith, of the firm
Attorneys for City of Eagle

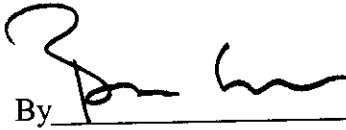
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Al Shoushtarian
1119 N. Eagle Road
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant(s), BUD ROUNDTREE and LINDA BALLARD, via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 6 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle


CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Scott Reeser
Nancy Reeser
499 N. Linder Road
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
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950 W. Bannock Street, Suite 520
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RECEIVED
OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

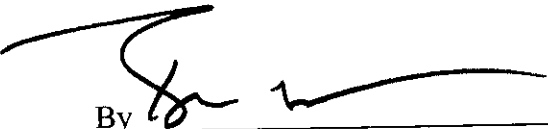
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
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_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant(s), DANA PURDY AND VIKI PURDY via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

CERTIFICATE OF SERVICE

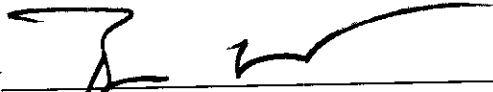
The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Dana Purdy
Viki Purdy
5926 Floating Feather
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By



Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

FILED
OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

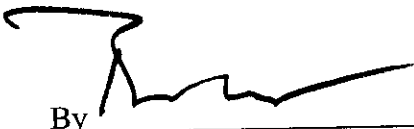
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
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)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant, MICHAEL McCOLLUM via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

CERTIFICATE OF SERVICE


The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By



Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

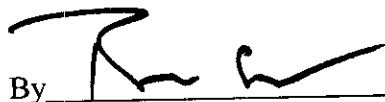
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
_____))

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant(s), MICHAEL HEATH AND NANCY HEATH via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

CERTIFICATE OF SERVICE

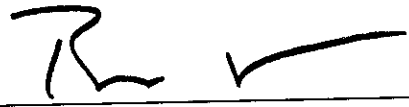
The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Michael Heath
Nancy Heath
401 N. Palmer Lane
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By



Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

FILED
OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**


IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND)
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
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)

NOTICE OF SERVICE

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant, TIM CHENEY via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW



By _____
Bruce M. Smith, of the firm
Attorneys for City of Eagle

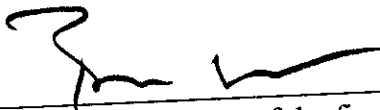
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 1st day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

TIM CHENEY
PO Box 190027
Boise, ID 83719

DATED this 1st day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

RECEIVED
OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

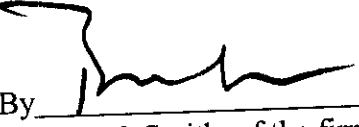
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
_____))

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant(s), JERRY TAYLOR AND MARY TAYLOR via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle


CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Jerry Taylor
Mary Taylor
3410 Hartley
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

CERTIFICATE OF SERVICE

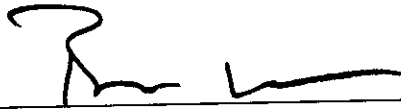
The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Corrin Hutton
Terry Hutton
10820 New Hope Road
Star, ID 83669

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By



Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
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Telephone: (208) 331-1800
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OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle


**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
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_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant(s), BOB HANSON AND ELSIE HANSON via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Bob Hanson
Elsie Hanson
4151 Hartley Road
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By  _____

Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
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OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

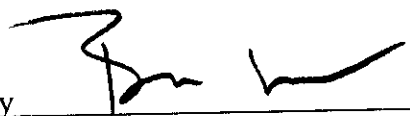
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant(s), SAM ROSTI AND KARI ROSTI via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

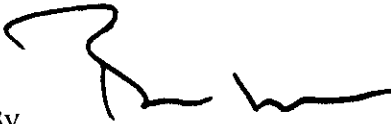
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Sam Rosti
Kari Rosti
1460 N. Pollard Lane
Star, ID 83669

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

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OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant(s), SCOTT REESER AND NANCY REESER via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Scott Reeser
Nancy Reeser
499 N. Linder Road
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By  _____

Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

RECEIVED
OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

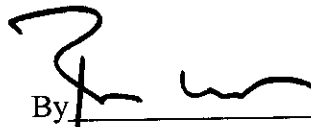
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant(s), LEEROY MELLIES AND BILLIE MELLIES via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW



By _____
Bruce M. Smith, of the firm
Attorneys for City of Eagle

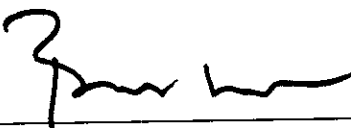
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Leeroy Mellies
Billie Mellies
6860 W. State Street
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
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Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

001 3 5 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle


**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant(s), RALPH WILDER and BARBARA WILDER via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW



Bruce M. Smith, of the firm
Attorneys for City of Eagle

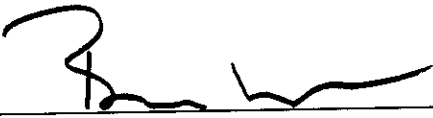
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Ralph Wilder
Barbara Wilder
7320 W. State Street
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

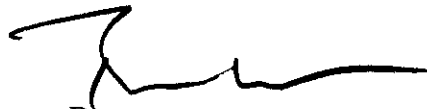
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant, STAR SEWER AND WATER DISTRICT via regular U.S. mail, postage prepaid on the 5th day of October, 2006.

DATED this 2nd day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW



By _____

Bruce M. Smith, of the firm
Attorneys for City of Eagle

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Star Sewer and Water District
c/o Jerry Kiser
Stoppello & Kiser
620 W. Hays
Boise, ID 83702

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By



Bruce M. Smith, of the firm
Attorneys for City of Eagle

2014年12月10日
 2014年12月10日


CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

HOOT NANNEY FARMS, INC., Mike Dixon
c/o Julie K. Fischer
WHITE PETERSON, P.A.
5700 East Franklin Road, Suite 200
Nampa, ID 83687

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

225 NORTH 9TH STREET, SUITE 420

BOISE, ID 83702

TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

STEPHANIE J. BONNEY
SUSAN E. BUXTON*
MICHAEL C. MOORE†
BRUCE M. SMITH
PAUL A. TURCKE‡
CHRISTOPHER E. YORGASON
TAMMY A. ZOKAN*

JOHN J. MCFADDEN*†
of Counsel

* Also admitted in Oregon
† Also admitted in Washington
‡ Also admitted in South Dakota
* Also admitted in New Mexico

September 21, 2006

RECEIVED

SEP 22 2006

DEPARTMENT OF
WATER RESOURCES

Director
Idaho Department of Water Resources
322 E Front Street
Boise, Idaho 83720-0098

Re: City of Eagle Applications for Permit Nos. 63-32089 and 63-32090

Dear Sirs/Madam:

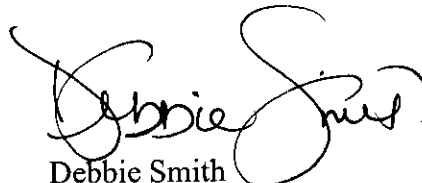
Enclosed please find the original and one copy of the Certificate of Compliance to be filed in the above referenced matter.

Please file the original and provide our office with a conformed copy at your earliest opportunity. For that purpose, I have enclosed a stamped, self-addressed envelope.

Thank you, and if you should have any questions please feel free to contact me.

Sincerely yours,

MOORE SMITH BUXTON & TURCKE, CHTD.



Debbie Smith
Legal Assistant to Bruce M. Smith

/dls
Enclosures
Cc: Jerry Kiser

RECEIVED

SEP 22 2006

DEPARTMENT OF
WATER RESOURCES

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

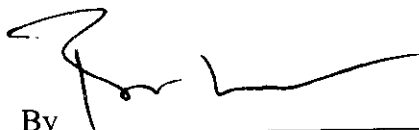
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF COMPLIANCE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its Responses to Star Sewer and Water District's First Set of Interrogatories and Requests for Documents. The City served counsel for Star Sewer and Water District at the law office of Jerry Kiser, Stoppello and Kiser, 620 W. Hays, Boise, Idaho via regular U.S. mail, postage prepaid on the 21st day of September, 2006.

DATED this 21st day of September, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW



By _____
Bruce M. Smith, of the firm
Attorneys for City of Eagle

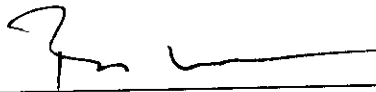
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 21st day of September, 2006, a true and correct copy of the within and foregoing document by United States first-class, postage prepaid mail to:

Jerry A. Kiser
STOPPELLO & KISER
620 W. Hays Street
Boise, ID 83702

DATED this 21 day of September, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

REC

SEP 18 2006

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

DEPARTMENT
WATER RESOURCES

FRANK W. STOPPELLO
JERRY A. KISER
F. MATTHEW STOPPELLO

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

September 15, 2006

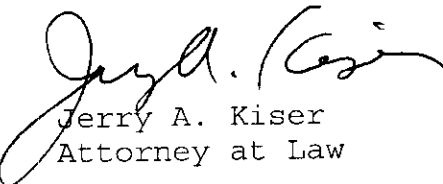
Gary Spackman
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: In the matter of the protested applications for
permit to appropriate water nos. 63-32089 and
63-32090 in the name of the City of Eagle.

Dear Hearing Officer Spackman:

This letter is to notify you that on September 14, 2006,
Protestant, Star Sewer & Water District, served Interrogatories
and Requests for Documents upon the City of Eagle, by and through
its attorney, Bruce Smith.

Sincerely,


Jerry A. Kiser
Attorney at Law

JAK:jf

cc: Bruce Smith
All Protestants